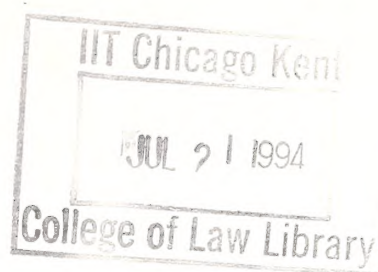


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**1994**

# ***Illinois Register***

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**Rules of Governmental Agencies**

Volume 18, Issue 28— July 15, 1994

Pages 10979-11406

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017



Printed on recycled paper

published by  
**George H. Ryan**  
Secretary of State



## TABLE OF CONTENTS

July 15, 1994 Volume 18, Issue 28

### PROPOSED RULES

#### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

##### Pay Plan

80 Ill. Adm. Code 310 .....10979

#### CONSERVATION, DEPARTMENT OF

##### White-Tailed Deer Hunting Season By Use Of Handguns

17 Ill. Adm. Code 680 .....10998

#### NUCLEAR SAFETY, DEPARTMENT OF

##### Standards For Protection Against Radiation

32 Ill. Adm. Code 340 .....11002

#### POLLUTION CONTROL BOARD

##### Information To Be Submitted In A Compost Facility Permit Application

35 Ill. Adm. Code 831 .....11025

##### Procedural Requirements For Permitting Compost Facilities

35 Ill. Adm. Code 832 .....11033

##### Standards For Compost Facilities

35 Ill. Adm. Code 830 .....11040

#### PUBLIC AID, DEPARTMENT OF

##### Developmental Disabilities Services

89 Ill. Adm. Code 144 .....11079

##### Long Term Care Reimburesment Changes

89 Ill. Adm. Code 153 .....11082

##### Medical Payment

89 Ill. Adm. Code 140 .....11088

#### PUBLIC HEALTH, DEPARTMENT OF

##### Aids Drug Reimbursement Program

77 Ill. Adm. Code 692 .....11107

##### Illinois Water Well Construction Code

77 Ill. Adm. Code 920 .....11113

#### TRANSPORTATION, DEPARTMENT OF

##### Motorcyclists' Eye Protection

92 Ill. Adm. Code 457 .....11150

### ADOPTED RULES

#### COMMERCE COMMISSION, ILLINOIS

##### Fees And Taxes

92 Ill. Adm. Code 1205 .....11155

##### Financial Responsibility Of Carriers

92 Ill. Adm. Code 1425 .....11162

LOTTERY, DEPARTMENT OF

Hearings

11 Ill. Adm. Code 1700 .....11168

PROFESSIONAL REGULATION, DEPARTMENT OF

Certified Veterinary Technicians

68 Ill. Adm. Code 1505 .....11180

Clinical Psychologist Licensing Act

68 Ill. Adm. Code 1400 .....11191

Veterinary Medicine And Surgery Practice Act

68 Ill. Adm. Code 1500 .....11212

PUBLIC AID, DEPARTMENT OF

Medical Assistance Programs

89 Ill. Adm. Code 120 .....11231

Medical Payment

89 Ill. Adm. Code 140 .....11244

Practice In Administrative Hearings

89 Ill. Adm. Code 104 .....11260

REHABILITATION SERVICES, DEPARTMENT OF

Ill. Long-Term Care Partnership Demonstration Program

89 Ill. Adm. Code 688 .....11267

Projects With Industry

89 Ill. Adm. Code 640 .....11271

Services

89 Ill. Adm. Code 590 .....11275

TRANSPORTATION, DEPARTMENT OF

Floodway Construction In Northeastern Illinois

92 Ill. Adm. Code 708 .....11284

EMERGENCY RULES

AL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 310 .....11299

PUBLIC AID, DEPARTMENT OF

Developmental Disabilities Services

89 Ill. Adm. Code 144 .....11314

Long Term Care Reimburesment Changes

89 Ill. Adm. Code 153 .....11380

NOTICE OF EXPEDITED CORRECTIONS

EDUCATION, STATE BOARD OF

Sprinkler Systems

23 Ill. Adm. Code 170 .....11386



## NOTICE OF PUBLIC INFORMATION

### REVENUE, DEPARTMENT OF

The Uniform Penalty & Interest Act .....11388

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of July 19, 1994 .....11389

Second Notices Received .....11396

## EXECUTIVE ORDERS AND PROCLAMATIONS

### PROCLAMATIONS

94-329	Alesksa Dujovic Day (Revised) .....	11398
94-339	Special Session - Senate Bills 776 and 1690 and House Bills 12 and 1882 .....	11398
94-340	Special Session - House Bill 2424 .....	11398
94-341	Peotone's Year of the Mill .....	13999
94-342	Kid's Health and Safety Day .....	13999
94-343	U.S. Space Observance Days/Space Exploration Day .....	11400
94-344	Korean War Veterans Day .....	11400
94-345	Village of Chicago Ridge Festival Days .....	11401
94-346	Foster/Fourte Family Reunion Day .....	11401
94-347	Leadership American and Leadership Illinois Day .....	11402
94-348	Captive Nations Week .....	11402
94-349	Governor's Cup Week .....	11402
94-350	Roland Burris Day .....	11403
94-351	Judge Leo F. Poch Day .....	11403
94-352	Pike County Courthouse/100th Anniversary .....	11404
94-353	Schools Open Safety Week .....	11404
94-354	Smokey Bear Week .....	11405
94-355	South Holland Business Association Day .....	11405

## CUMULATIVE INDEX

1994 Index - Issue # 28 .....CI-1

## SECTIONS AFFECTED INDEX

1994 Index - Issue # 28 .....SAI-1



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Pay Plan2) The Code Citation: 80 Ill. Adm. Code 3103) Section Numbers:

310.100  
 310.110  
 310.280  
 310. Appendix B

Proposed Action:

Amended  
 Amended  
 Amended  
 Amended

4) Statutory Authority:

Authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b.108a.2)  
 [20 ILCS 415/8a.2]

5) A Complete Description of the Subjects and Issues Involved:

In Section 310.100, Other Pay Provisions, under "b) Entrance Salary", the entrance salary grade step is being changed from Step 1 to Step 1a.

Under "j) Extended Service Payment", for those employees who have attained ten years of service with three years of creditable service on Step 7 in the same pay grade, the Step 7 rate shall be increased by \$25.00 per month. Also, for those employees who have attained fifteen years of service with three years of creditable service on Step 7 in the same pay grade, the Step 7 rate shall be increased by \$50.00 per month. These rate increases shall be effective July 1, 1994.

Under "k) Bi-lingual Pay", employees whose job descriptions require the use of sign language or a second language shall have 4% or \$75.00 per month whichever is greater added to their base rates, effective October 1, 1994; and 5% or \$100.00 per month whichever is greater will be added to the employee base rates, effective July 1, 1995.

In Section 310.110, Implementation of Pay Plan Changes for Fiscal Year 1995, the fiscal year to which the changes apply is being revised from Fiscal Year 1994 to Fiscal Year 1995. Paragraph "c)" is being added to reflect that the minimum for each salary range that was in effect as of July 1, 1993, will remain the same and be put into the Fiscal Year 1995 Schedule of Salary Grades as Step 1a.

In Section 310.280, Designated Rate, this section is being updated to reflect changes already approved by the Governor.

In Section 310. Appendix B, the Schedule of Salary Grades is being revised to reflect the same general increase of 3% that the AFSCME Collective Bargaining Units received for July 1, 1994, to maintain alignment.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐  
If "yes", please specify date:

8) Do these proposed amendments contain any incorporations by reference?

No.

9) Are there any proposed amendments pending to this Part? No

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy  
 Department of Central Management Services  
 Division of Technical Services  
 504 William G. Stratton Building  
 Springfield, Illinois 62706

Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

C) Reporting, bookkeeping or other procedures required for compliance: None.D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment(s) begins on the next page.

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1994-1995
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984

(Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICE

## NOTICE OF PROPOSED AMENDMENTS

310.310 Physician Specialist Rate  
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director,  
 State Board of Elections  
 310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section  
 310.410 Jurisdiction  
 310.420 Objectives  
 310.430 Responsibilities  
 310.440 Merit Compensation Salary Schedule  
 310.450 Procedures for Determining Annual Merit Increases  
 310.455 Intermittent Merit Increase  
 310.456 Merit Zone  
 310.460 Other Pay Increases  
 310.470 Adjustment  
 310.480 Decreases in Pay  
 310.490 Other Pay Provisions  
 310.495 Senior Public Service Administrator System  
 310.500 Definitions  
 310.510 Conversion of Base Salary to Pay Period Units  
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents  
 310.530 Implementation  
 310.540 Annual Merit Increase Guidechart for Fiscal Year 1994  
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984  
 (Repealed)

## APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)  
 TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)  
 TABLE C RC-069 (Firefighters, AFSCME)  
 TABLE D HR-001 (Teamsters Local #726)  
 TABLE E RC-020 (Teamsters Local #330)  
 TABLE F RC-019 (Teamsters Local #25)  
 TABLE G RC-045 (Automotive Mechanics, IFPE)  
 TABLE H RC-006 (Corrections Employees, AFSCME)  
 TABLE I RC-009 (Institutional Employees, AFSCME)  
 TABLE J RC-014 (Clerical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICE

## NOTICE OF PROPOSED AMENDMENTS

TABLE K RC-023 (Registered Nurses, INA)  
 TABLE L VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)  
 TABLE M RC-110 (Conservation Police Lodge)  
 TABLE N RC-010 (Professional Legal Unit, AFSCME)  
 TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)  
 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)  
 TABLE Q RC-033 (Meat Inspectors, IFPE)  
 TABLE R RC-042 (Residual Maintenance Workers, AFSCME)  
 TABLE S RC-012 (Fair Employment Practices Employees, SEIU)  
 TABLE T HR-010 (Teachers of Deaf, IFT)  
 TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)  
 TABLE V CU-500 (Corrections Meet and Confer Employees)  
 TABLE W RC-062 (Technical Employees, AFSCME)  
 TABLE X RC-063 (Professional Employees, AFSCME)  
 TABLE Y RC-063 (Educators, AFSCME)  
 TABLE Z RC-063 (Physicians, AFSCME)

APPENDIX B Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1994  
 APPENDIX C Medical Administrative Rates for Fiscal Year 1994  
 APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1994  
 APPENDIX E Teaching Salary Schedule (Repealed)  
 APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)  
 APPENDIX G Senior Public Service Administrator Salary Schedule, effective August 16, 1993

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) [20 ILCS 4158a(2)].

SOURCE: Filed June 28, 1967, codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days;



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICE

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

amended at 9 III. Reg. 1320, effective January 23, 1985; amended at 9 III. Reg. 3681, effective March 12, 1985; emergency amendment at 9 III. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 III. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 III. Reg. 9420, effective June 7, 1985; amended at 9 III. Reg. 10663, effective July 1, 1985; emergency amendment at 9 III. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 3325, effective January 22, 1986; amended at 10 III. Reg. 3230, effective January 24, 1986; emergency amendment at 10 III. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 8928, effective May 13, 1986; emergency amendment at 10 III. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 III. Reg. 14867, effective August 26, 1986; amended at 10 III. Reg. 15567, effective September 17, 1986; emergency amendment at 10 III. Reg. 1876, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 17165, effective October 28, 1986; peremptory amendment at 10 III. Reg. 21097, effective December 9, 1986; amended at 11 III. Reg. 648, effective December 22, 1986; peremptory amendment at 11 III. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 III. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 III. Reg. 6291, effective March 23, 1987, amended at 11 III. Reg. 5901, effective March 24, 1987; emergency amendment at 11 III. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 III. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 III. Reg. 13675, effective July 29, 1987; amended at 11 III. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 III. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 III. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 III. Reg. 19812, effective November 19, 1987; emergency amendment at 11 III. Reg. 20778, effective December 4, 1987, for a maximum of 150 days; amended at 11 III. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 III. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 III. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 III. Reg. 5459, effective March 3, 1988, amended at 12 III. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 III. Reg. 7783, effective April 14, 1988; emergency amendment at 12 III. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 III. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 III. Reg. 9745, effective May 23, 1988; emergency amendment at 12 III. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 III. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 III. Reg. 13306, effective July 27, 1988; corrected at 12 III. Reg. 13359, amended at 12 III. Reg. 14630, effective September 6, 1988, amended at 12 III. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 III. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 III. Reg. 8080, effective May 10, 1989, amended at 13 III. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 III. Reg. 8970, effective May 26, 1989; emergency amendment at 13 III. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989, amended at 13 III. Reg. 11451, effective June 28, 1989; emergency amendment at 13 III. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 III. Reg. 12647; peremptory amendment at 13 III. Reg. 12887, effective July 24, 1989; amended at 13

III. Reg. 16950, effective October 20, 1989; amended at 13 III. Reg. 19221, effective December 12, 1989; amended at 14 III. Reg. 615, effective January 2, 1990; peremptory amendment at 14 III. Reg. 1627, effective January 11, 1990; amended at 14 III. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 III. Reg. 7652, effective May 7, 1990; amended at 14 III. Reg. 10002, effective June 11, 1990; emergency amendment at 14 III. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 III. Reg. 14361, effective August 24, 1990; emergency amendment at 14 III. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 III. Reg. 16092; peremptory amendment at 14 III. Reg. 17098, effective September 26, 1990; amended at 14 III. Reg. 17189, effective October 2, 1990; amended at 14 III. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 III. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 III. Reg. 663, effective January 7, 1991; amended at 15 III. Reg. 3296, effective February 14, 1991; amended at 15 III. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 III. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 III. Reg. 5465, effective April 2, 1991; emergency amendment at 15 III. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 III. Reg. 11080, effective July 19, 1991; amended at 15 III. Reg. 13080, effective August 21, 1991, amended at 15 III. Reg. 14210, effective September 23, 1991; emergency amendment at 16 III. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 III. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 III. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 III. Reg. 7056, effective April 20, 1992; emergency amendment at 16 III. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 III. Reg. 8382, effective May 26, 1992; emergency amendment at 16 III. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 III. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended by 17 III. Reg. 238, effective December 23, 1992; peremptory amendment at 17 III. Reg. 498, effective December 18, 1992; amended at 17 III. Reg. 590, effective January 4, 1993; amended at 17 III. Reg. 1819, effective February 2, 1993; amended at 17 III. Reg. 6441, effective April 8, 1993; emergency amendment at 17 III. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 III. Reg. 13409, effective July 29, 1993; emergency amendment at 17 III. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 III. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 III. Reg. 19103, effective October 25, 1993; emergency amendment at 17 III. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 III. Reg. 22514, effective December 15, 1993; amended at 18 III. Reg. 1107, effective January 18, 1994, amended at 18 III. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 III. Reg. \_\_\_\_\_, effective \_\_\_\_\_, amended at 18 III. Reg. \_\_\_\_\_.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310.100 Other Pay Provisions

a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.

b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1 of Step 1a of the salary grade.

## 1) Qualifications above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1 of Step 1a entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

c) Differential and overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## 2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- d) **Part-Time Work** -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.
- e) **Out-of-State Assignment** -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- f) **Lump Sum Payment** -- Shall be provided for accrued vacation and overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

**AGENCY NOTE** -- The method to be used in computing lump sum payment for accrued vacation and overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.

- g) **Salary Treatment Upon Return From Leave** -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.
- h) **Salary Treatment Upon Reemployment** --
- 1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
  - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- i) **Reinstatement** -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- j) **Extended Service Payment** -- Effective January 1, 1992, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained fifteen (15) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.
- 1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten (10) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.
- 2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen (15) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.
- k) **Bi-lingual Pay** --
- 1) Effective January 1, 1992, individual positions whose job descriptions require the use of sign language or a second language, shall receive an additional \$25.00 per month in addition to the employee's base rate.  
Effective October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language, shall receive an additional 4% or \$75.00 per month whichever is greater in addition to the employee's base rate.
  - 2) Effective January 1, 1993, individual positions whose job descriptions require the use of sign language or a second language, shall receive \$50.00 per month in addition to the employee's base rate.  
Effective July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language, shall receive an additional 5% or \$100.00 per month whichever is greater in addition to the employee's base rate.
  - 3) Effective January 1, 1994, individual positions whose job descriptions require the use of sign language or a second language, shall receive \$75.00 per month in addition to the employee's base rate.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 1994 1995

- a) The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1994 1995.
- b) Any employee who received a salary payment for part of Fiscal Year 1993 1994 that did not reflect the rates in Section 310. Appendix B for Fiscal Year 1994 1995, shall receive a lump sum payment equal to the difference between what was initially paid and what is appropriate per that provision.

- c) The Step 1 rate for each salary range that was in effect as of July 1, 1993, will remain the same and be put into the Fiscal Year 1995 Schedule of Salary Grades as Step 1a.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Banks and Trust Commission

Technical Advisor IV (Pos. No. 45254-50-92-300-00-01) Annual Salary \$50,000

Technical Advisor V (Pos. No. 45255-50-92-400-00-01) Annual Salary \$75,000

Department of Central Management Services

Executive Press Photographer (Pos. No. 14000-37-05-000-00-36) Annual Salary \$31,896

Information System Specialist II Annual Salary \$53,172  
(Pos. No. 21212-37-10-000-09-08)

Department of Commerce & Community Affairs

Commerce & Community Affairs Program Executive Annual Salary \$74,160  
(Pos. No. 08400-42-00-070-00-01)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Commerce & Community Affairs Program Executive Annual Salary \$70,680  
(Pos. No. 08400-42-30-000-00-01)

Commerce & Community Affairs Program Executive Annual Salary \$71,184  
(Pos. No. 08400-42-40-000-00-01)

Economic Development Representative Specialist Annual Salary \$61,320  
(Pos. No. 12937-42-35-140-20-01)

Executive IV (Pos. No. 13854-42-35-110-00-01) Annual Salary \$62,000

Executive IV (Pos. No. 13854-42-25-200-00-01) Annual Salary \$61,440

Public Information Officer IV (Pos. No. 37004-42-00-000-40-02) Annual Salary \$46,764

Department of Conservation

Administrative Assistant IV (Pos. No. 00504-12-00-000-40-02) Annual Salary \$60,000

Executive III (Pos. No. 13853-12-31-600-00-01) Annual Salary \$54,024

Executive V (Pos. No. 13855-12-33-000-00-01) Annual Salary \$67,200

Department of Employment Security

Administrative Assistant IV (Pos. No. 00504-44-00-000-20-01) Annual Salary \$60,000

Health Care Cost Containment Council

Executive V (Pos. No. 13855-50-72-000-00-01) Annual Salary \$64,644

Illinois Arts Council

Executive Director of the Illinois Arts Council Annual Salary \$65,000  
(Pos. No. 13868-50-90-000-00-01)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Department of Insurance

Deputy Director (Pos. No. 12200-14-00-000-00-01)

Annual Salary  
\$72,600

Department of Insurance

Insurance Program Executive  
(Pos. No. 21676-14-30-000-00-01)

Annual Salary  
\$80,868

Department of Insurance

Department of Mental Health and Developmental Disabilities

Executive IV (Pos. No. 13854-22-15-200-00-01)

Annual Salary  
\$60,504

Department of Insurance

Pharmacy Services Manager (Pos. No. 32015-22-59-914-10-01)

Annual Salary  
\$45,000

Department of Insurance

Physical Therapist Administrator  
(Pos. No. 32150-22-69-230-70-01)

Annual Salary  
\$55,548

Department of Insurance

Physician Administrator II (Pos. No. 32212-22-15-600-00-01)

Annual Salary  
\$90,000

Department of Insurance

Private Secretary II (Pos. No. 34202-22-15-000-00-01)

Annual Salary  
\$41,004

Department of Insurance

Psychologist Administrator II (Pos. No. 35617-22-38-141-00-01)

Annual Salary  
\$64,000

Department of Insurance

Department of Public Aid

Executive IV (Pos. No. 35889-33-00-000-00-51)

Annual Salary  
\$61,680

Department of Insurance

Department of State Police

Deputy Director (Pos. No. 12200-21-00-000-00-01)

Annual Salary  
\$62,769

Department of Insurance

Executive V (Pos. No. 13855-21-00-000-40-01)

Annual Salary  
\$55,615

Department of Insurance

Executive V (Pos. No. 13855-21-50-050-00-01)

Annual Salary  
\$72,461.52

Department of Insurance

State Police Program Executive  
(Pos. No. 42250-21-00-510-00-01)

Annual Salary  
\$68,712

State Police Program Executive  
(Pos. No. 42250-21-10-000-00-01)

Annual Salary  
\$76,719

Technical Advisor IV (Pos. No. 45254-21-00-220-10-01)

Annual Salary  
\$76,000

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 310. Appendix B Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1994 1995

Grade	Minimum	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Maximum
1	1,284	1,324	1,360	1,399	1,446	1,487	1,528	1,599	1,551
	15,408	15,888	16,320	16,788	17,328	17,844	18,336	19,188	18,612
2	1,324	1,360	1,399	1,446	1,490	1,532	1,576	1,657	1,612
	15,888	16,320	16,788	17,328	17,844	18,336	18,912	19,884	19,384
3	1,360	1,447	1,493	1,536	1,587	1,631	1,715	1,715	1,715
	16,320	17,364	17,916	18,432	19,044	19,572	20,580	20,580	20,580
4	1,447	1,495	1,545	1,594	1,641	1,689	1,773	1,773	1,773
	17,364	17,940	18,540	19,128	19,692	20,268	21,276	21,276	21,276
5	1,495	1,546	1,596	1,650	1,702	1,757	1,846	1,846	1,846
	17,940	18,552	19,152	19,800	20,424	21,084	22,152	22,152	22,152
6	1,546	1,599	1,655	1,712	1,767	1,826	1,924	1,924	1,924
	18,552	19,188	19,860	20,544	21,204	21,912	23,088	23,088	23,088



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

8	1,599	1,660	1,719	1,784	1,842	1,905	2,006
	19,188	19,920	20,628	21,408	22,104	22,860	24,072
9	1,660	1,722	1,789	1,853	1,923	1,989	2,092
	19,920	20,664	21,468	22,236	23,076	23,868	25,104
10	1,724	1,799	1,864	1,935	2,003	2,076	2,190
	20,688	21,588	22,368	23,220	24,036	24,912	26,280
11	1,800	1,875	1,944	2,023	2,098	2,170	2,291
	21,600	22,500	23,328	24,276	25,176	26,040	27,492
12	1,885	1,965	2,039	2,123	2,201	2,284	2,412
	22,620	23,580	24,468	25,476	26,412	27,408	28,944
13	1,967	2,050	2,138	2,224	2,309	2,397	2,533
	23,604	24,600	25,656	26,688	27,708	28,764	30,396
14	2,062	2,151	2,242	2,342	2,431	2,525	2,671
	24,744	25,812	26,904	28,104	29,172	30,300	32,052
15	2,153	2,253	2,351	2,448	2,548	2,643	2,800
	25,836	27,036	28,212	29,376	30,576	31,716	33,600
16	2,262	2,367	2,475	2,578	2,685	2,793	2,958
	27,144	28,404	29,700	30,936	32,220	33,516	35,496
17	2,373	2,486	2,602	2,711	2,821	2,936	3,111
	28,476	29,832	31,224	32,532	33,852	35,232	37,332
18	2,501	2,623	2,745	2,869	2,987	3,106	3,290
	30,012	31,476	32,940	34,428	35,844	37,272	39,480
19	2,637	2,771	2,901	3,035	3,163	3,296	3,495
	31,644	33,252	34,812	36,420	37,956	39,552	41,940
20	2,786	2,926	3,063	3,200	3,347	3,484	3,698
	33,432	35,112	36,756	38,508	40,164	41,808	44,376
21	2,942	3,093	3,243	3,393	3,548	3,695	3,925
	35,304	37,116	38,916	40,716	42,576	44,340	47,100

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

22	3,110	3,272	3,432	3,593	3,759	3,917	4,160
	37,320	39,264	41,184	43,116	45,108	47,004	49,920
23	3,299	3,474	3,651	3,824	4,001	4,175	4,437
	39,588	41,688	43,812	45,888	48,012	50,100	53,244
Grade	Minimum Step 1a 1/	Step 1	Step 2	Step 3	Step 4	Step 5	Maximum Step 7
1	1,284	1,323	1,364	1,401	1,441	1,487	1,526
	15,408	15,876	16,368	16,812	17,292	17,844	18,312
2	1,324	1,364	1,401	1,441	1,489	1,532	1,574
	15,888	16,368	16,812	17,292	17,868	18,384	18,888
3	1,360	1,401	1,441	1,490	1,535	1,578	1,623
	16,320	16,812	17,292	17,880	18,420	18,936	19,476
4	1,399	1,441	1,490	1,538	1,582	1,635	1,680
	16,788	17,292	17,880	18,456	18,984	19,620	20,160
5	1,447	1,490	1,540	1,591	1,642	1,690	1,740
	17,364	17,880	18,480	19,092	19,704	20,280	20,880
6	1,495	1,540	1,592	1,644	1,700	1,753	1,810
	17,940	18,480	19,104	19,728	20,400	21,036	21,720
7	1,546	1,592	1,647	1,705	1,763	1,820	1,881
	18,552	19,104	19,764	20,460	21,156	21,840	22,572
8	1,599	1,647	1,710	1,771	1,838	1,897	1,962
	19,188	19,764	20,520	21,252	22,056	22,764	23,544
9	1,660	1,710	1,774	1,843	1,909	1,981	2,049
	19,920	20,520	21,288	22,116	22,908	23,772	24,588
10	1,724	1,776	1,853	1,920	1,993	2,063	2,138
	20,688	21,312	22,236	23,040	23,916	24,756	25,656
11	1,800	1,854	1,931	2,002	2,084	2,161	2,235
	21,600	22,248	23,172	24,024	25,008	25,932	26,820

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

12	1.885	1.942	2.024	2.100	2.187	2.267	2.353	2.484
	22.620	23.304	24.288	25.200	26.244	27.204	28.236	29.808
13	1.967	2.026	2.112	2.202	2.291	2.378	2.469	2.609
	23.604	24.312	25.344	26.424	27.492	28.536	29.628	31.308
14	2.062	2.124	2.216	2.309	2.412	2.504	2.601	2.751
	24.744	25.488	26.592	27.708	28.944	30.048	31.212	33.012
15	2.153	2.218	2.321	2.422	2.521	2.624	2.722	2.884
	25.836	26.616	27.852	29.064	30.252	31.488	32.664	34.608
16	2.262	2.330	2.438	2.549	2.655	2.766	2.877	3.047
	27.144	27.960	29.256	30.588	31.860	33.192	34.524	36.564
17	2.373	2.444	2.561	2.680	2.792	2.906	3.024	3.204
	28.476	29.328	30.732	32.160	33.504	34.872	36.288	38.448
18	2.501	2.576	2.702	2.827	2.955	3.077	3.199	3.389
	30.012	30.912	32.424	33.924	35.460	36.924	38.388	40.668
19	2.637	2.716	2.854	2.988	3.126	3.258	3.395	3.600
	31.644	32.592	34.248	35.856	37.512	39.096	40.740	43.200
20	2.786	2.870	3.014	3.155	3.305	3.447	3.589	3.809
	33.432	34.440	36.168	37.860	39.660	41.364	43.068	45.708
21	2.942	3.030	3.186	3.340	3.495	3.654	3.806	4.043
	35.304	36.360	38.232	40.080	41.940	43.848	45.672	48.516
22	3.110	3.203	3.370	3.535	3.701	3.872	4.035	4.285
	37.320	38.436	40.440	42.420	44.412	46.464	48.420	51.420
23	3.299	3.398	3.578	3.761	3.939	4.121	4.300	4.570
	39.588	40.776	42.936	45.132	47.268	49.452	51.600	54.840

1/ Entry level step for current Fiscal Year.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Handguns
- 2) CODE CITATION: 17 Ill. Adm. Code 680
- 3) SECTION NUMBERS:  
680.10  
680.20
- PROPOSED ACTION:  
Amendments  
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:  
This rule is being modified to standardize dates by removing the "year" so that the rule will not need to be amended annually simply to change the dates.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 680

## WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

## Section

- 680.10 Statewide Season  
680.20 Statewide Deer Permit Requirements  
680.30 Deer Permit Requirements - Group Hunt  
680.40 Statewide Handgun Requirements for Deer Hunting  
680.50 Statewide Deer Hunting Rules  
680.60 Reporting Harvest  
680.70 Rejection of Application/Revocation of Permits  
680.80 Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

**SOURCE:** Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on Friday of the second 3-day weekend (Friday, Saturday, Sunday) in January to sunset on Sunday of this 3-day weekend in January. Shooting hours are one-half hour before sunrise to sunset.

- b) For the purpose of removing surplus deer, the Department of Conservation (Department) shall open select counties and sites to handgun deer hunting. The Department shall notify the public of the counties that are projected to have surplus deer populations via a news release. These counties also will be listed in the instructions contained with the 1994-Handgun Deer Permit Application.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 680.20 Statewide Deer Permit Requirements

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation  
(Handgun Deer Season)  
Deer Permit Office  
524 South Second Street, Room 210  
Post Office Box 19227  
Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through November 12-14 for the 1994-Handgun Deer Season in January. Applications post-marked after November 12-14 shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.

- c) In-person and mail-in applications shall receive equal treatment in the drawings.

- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.

- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36) [520 ILCS 5/3.36].

- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

- g) Recipients of the Handgun Deer Hunting Permit shall record their signature, Firearm Owner's Identification

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

number (unless exempt), hunting license number (unless exempt) and physical description on the permit and must carry it on their person while hunting.

h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

i) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

- |                         |  |
|-------------------------|--|
| 1) Heading of the Part: | Standards for Protection Against Radiation |
| 2) Code Citation:       | 32 Ill. Adm. Code 340                      |
| 3) Section Number:      | Proposed Action:                           |
|                         | 340.260 Amendment                          |
|                         | 340.310 Amendment                          |
|                         | 340.410 Amendment                          |
|                         | 340.510 Amendment                          |
|                         | 340.930 Amendment                          |
|                         | 340.960 Amendment                          |
|                         | 340.1130 Amendment                         |
|                         | 340.1220 Amendment                         |
|                         | 340.1230 Amendment                         |
- 4) Statutory Authority: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to: (a) delete the Agency Note describing an example of a planned special exposure; (b) modify requirements for licensees to require all facilities to meet the new dose to members of the public limit; (c) clarify that leak tests must confirm that sealed sources are not leaking and must be received prior to using these sources; (d) specify the information to be evaluated and recorded when instruments are calibrated; (e) require licensees to check instruments being used to meet the requirements of this Part; (f) clarify when licensees and registrants will be authorized to use direct and indirect reading pocket ionization chambers; (g) provide an exemption to facilities treating patients by allowing the removal of the term "grave" from the required posting; (h) update references to more recent versions of transportation regulations to match changes in 32 Ill. Adm. Code 341; (j) specify information to be maintained in survey, check and calibration records; (k) add notification requirements for events involving radioactive material; and (l) clarify the information to be reported to the Department when an incident occurs.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

8) Does this proposed amendment contain incorporations by reference? Yes, the amendment contains material incorporated by reference pursuant to Section 100/5-75(a) of the Administrative Procedure Act [5 ILCS 100/5-75(a)].

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie Puccini  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880 (voice)  
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that these amendments will impact small businesses that are licensed by the Department to use radiation machines or possess, use, distribute, store, treat, or dispose of radioactive materials. The proposed amendment will clarify requirements currently in effect in this Part. There may be some facilities however, such as hospitals with cancer treatment centers, that are currently authorized to possess and use radioactive material that will need to reevaluate the potential radiation dose to members of the public and may need to add some shielding to meet the new dose limits.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking clarifies recordkeeping requirements and consequently does not require licensees to perform additional reporting, bookkeeping or other procedures for achieving compliance.

D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 340  
STANDARDS FOR PROTECTION AGAINST RADIATION

## SUBPART A: GENERAL PROVISIONS

Section  
340.10  
340.20  
340.25  
340.30  
340.40

Purpose  
Scope  
Incorporations by Reference  
Definitions  
Implementation

## SUBPART B: RADIATION PROTECTION PROGRAMS

Section  
340.110

Radiation Protection Programs

## SUBPART C: OCCUPATIONAL DOSE LIMITS

Section  
340.210  
340.220

Occupational Dose Limits for Adults  
Compliance with Requirements for Summation of External and Internal Doses

340.230 Determination of External Dose from Airborne Radioactive Material  
340.240 Determination of Internal Exposure  
340.250 Determination of Prior Occupational Dose  
340.260 Planned Special Exposures  
340.270 Occupational Dose Limits for Minors  
340.280 Dose to an Embryo/Fetus

## SUBPART D: RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

Section  
340.310  
340.320

Dose Limits for Individual Members of the Public  
Compliance with Dose Limits for Individual Members of the Public

## SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section  
340.410

Testing for Leakage or Contamination of Sealed Sources

## SUBPART F: SURVEYS AND MONITORING

Section  
340.510  
340.520  
340.530

General  
Conditions Requiring Individual Monitoring of External and Internal Occupational Dose  
Location of Individual Monitoring Devices

## SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section  
340.610  
340.620  
340.630

Control of Access to High Radiation Areas  
Control of Access to Very High Radiation Areas  
Control of Access to Very High Radiation Areas - Irradiators

## SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section  
340.710  
340.720  
340.730

Use of Process or Other Engineering Controls  
Use of Other Controls  
Use of Individual Respiratory Protection Equipment

## SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION

Section  
340.810

Security and Control of Licensed or Registered Sources of Radiation

## SUBPART J: PRECAUTIONARY PROCEDURES

Section  
340.910  
340.920  
340.930  
340.940  
340.950  
340.960

Caution Signs  
Posting Requirements  
Exceptions to Posting Requirements  
Labeling Containers and Radiation Machines  
Exemptions to Labeling Requirements  
Procedures for Receiving and Opening Packages

## SUBPART K: WASTE DISPOSAL

Section  
340.1010  
340.1020

General Requirements  
Method for Obtaining Approval of Proposed Disposal Procedures



DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

Section  
340.1030 Disposal by Release into Sanitary Sewerage  
340.1040 Treatment or Disposal by Incineration  
340.1050 Disposal of Specific Wastes  
340.1052 Classification of Radioactive Waste for Land Disposal  
340.1055 Radioactive Waste Characteristics  
340.1057 Labeling  
340.1060 Transfer for Disposal and Manifests  
340.1070 Compliance with Environmental and Health Protection Regulations

SUBPART L: RECORDS

Section  
340.1110 General Provisions  
340.1120 Records of Radiation Protection Programs  
340.1130 Records of Surveys, Checks and Calibrations  
340.1135 Records of Tests for Leakage or Contamination of Sealed Sources  
340.1140 Records of Prior Occupational Dose  
340.1150 Records of Planned Special Exposures  
340.1160 Records of Individual Monitoring Results  
340.1170 Records of Dose to Members of the Public  
340.1180 Records of Waste Disposal  
340.1190 Records of Testing Entry Control Devices for Very High Radiation Areas  
340.1195 Form of Records

SUBPART M: REPORTS AND NOTIFICATIONS

Section  
340.1210 Reports of Stolen, Lost or Missing Sources of Radiation  
340.1220 Notification of Incidents  
340.1230 Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Limits  
340.1240 Reports of Planned Special Exposures  
340.1250 Notifications and Reports to Individuals  
340.1260 Reports of Leaking or Contaminated Sealed Sources  
340.1270 Reports of Missing Waste Shipments

SUBPART N: ADDITIONAL REQUIREMENTS

Section  
340.1310 Vacating Premises  
340.1320 Removal of Radioactive Contamination  
340. Appendix A Decontamination Guidelines  
340. Illustration A Radiation Symbol

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-16) [420 ILCS 40/16].

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; Recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 18507, effective January 1, 1994; amended at 111. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 340.260 Planned Special Exposures

A licensee may authorize an adult worker to receive doses in addition to, and accounted for separately from, the doses received under the limits specified in Section 340.210 provided that each of the following conditions are satisfied:

- a) The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the higher exposure are unavailable or impractical.

AGENCY NOTE: ~~An example of an exceptional situation is the retrieval of an industrial radiography source from an area that cannot be evacuated.~~

- b) The management official of the licensee and employer, if the employer is not the licensee, specifically authorize the planned special exposure, in writing, before the exposure occurs.

- c) Before a planned special exposure, the licensee ensures that each individual involved is:
  - 1) Informed of the purpose of the planned operation; and
  - 2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and
  - 3) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

- d) Prior to permitting an individual to participate in a planned special exposure, the licensee ascertains previous doses received

## DEPARTMENT OF NUCLEAR SAFETY

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

during the lifetime of the individual as required by Section 340.250(b).

- e) Subject to Section 340.210(b), the licensee shall not authorize a planned special exposure that would cause an individual's dose from all planned special exposures and all doses in excess of the limits to exceed:

- 1) The numerical values of any of the dose limits in Section 340.210(a) in any year; and
- 2) Five times the annual dose limits in Section 340.210(a) during the individual's lifetime.

- f) The licensee maintains records of the conduct of a planned special exposure in accordance with Section 340.1150 and submits a written report in accordance with Section 340.1240.

- g) The licensee records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposure need not be considered in controlling future occupational dose of the individual pursuant to Section 340.210(a) but shall be included in evaluations required by subsections (d) and (e) above.

(Source: Amended at Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 340.310 Dose Limits for Individual Members of the Public

- a) Each licensee or registrant shall conduct operations so that:

- 1) The dose in any unrestricted area from external sources does not exceed 0.02 mSv (0.002 rem) in any one hour; and
- 2) The total effective dose equivalent to individual members of the public from a radiation machine the licensee or registered operation, exclusive of the dose contribution from the licensee's disposal of radioactive material into sanitary sewerage in accordance with Section 340.1030, does not exceed:

- A) 5 mSv (0.5 rem) in any year at any locations location within facilities a facility where sources of a radiation were machine was installed before January 1, 1994, and the use of the source of radiation machine does not change on or after January 1, 1994; or

- B) 1 mSv (0.1 rem) in any year at any locations location within facilities a facility where sources of a radiation are machine is installed or where the source of radiation machine or its use changes on or after January 1, 1994.

AGENCY NOTE: It is the Department's intent to allow registrants using radiation machines in facilities designed to the 5 mSv (0.5 rem) limit to continue to use the 5 mSv (0.5 rem) total effective dose equivalent limit for a member of the public. This includes locations where the intensity of a source of the radiation machine is not increased beyond the design basis, the type of radiation machine use is not changed, and the type of facility use is not changed.

- 3) The total effective dose equivalent to individual members of the public from a licensed operation, exclusive of the dose contribution from a licensee's disposal of radioactive material into sanitary sewerage in accordance with Section 340.1030, does not exceed 1 mSv (0.1 rem) in any year.

- b) A registrant, a licensee or an applicant for a license may apply for prior Department authorization to operate up to an annual dose limit for an individual member of the public of 5 mSv (0.5 rem). This application shall include the following information:

- 1) Demonstration of the need for and the expected duration of operations in excess of the limit in subsection (a)(2)(B)(3) above;
  - 2) The licensee's or registrant's program to assess and control dose within the 5 mSv (0.5 rem) annual limit; and
  - 3) The procedures to be followed to maintain the dose ALARA.
- c) Prior to allowing a member of the public to enter a restricted area, the licensee or registrant shall give instructions on radiation hazards and protective measures to that individual.

(Source: Amended at Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 340.410 Testing for Leakage or Contamination of Sealed Sources

- a) The licensee in possession of any sealed source shall assure that:



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

- 1) Each sealed source, except as specified in subsection (b) below, is tested for leakage or contamination and the test results that confirm that the sealed source is not leaking or contaminated are received before the sealed source is put into use, unless the licensee has a certificate from the transferor indicating that the sealed source was tested within 6 months for beta and gamma emitting sources, or within 3 months for sources designed to emit alpha particles, before transfer to the licensee.
- 2) Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 6 months or at alternative intervals approved by the Department, pursuant to 32 Ill. Adm. Code 330.280(m), the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State or the U.S. Nuclear Regulatory Commission.
- 3) Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 3 months or at alternative intervals approved by the Department, pursuant to 32 Ill. Adm. Code 330.280(m), the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State or the Nuclear Regulatory Commission.
- 4) ~~For each~~ Each sealed source that is required to be tested for leakage or contamination, shall be removed from service if at ~~any other time~~ there is reason to suspect that the sealed source ~~might~~ may have been damaged or ~~might~~ may be leaking or contaminated. The source shall be kept out of service until test results that confirm there is no ~~the licensee shall assure that the sealed source is tested for~~ leakage or contamination are received before further use.
- 5) Tests for leakage for all sealed sources, except brachytherapy sources manufactured to contain radium, shall be capable of detecting the presence of 185 Bq (0.005 uCi) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For a sealed source contained in a device, test samples are shall be obtained when the source is in the "off" position. If setting the source to the "off" position would disrupt the licensee's activities, test samples may be obtained while the source is in the "on" position, provided that the dose likely to be received by the

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

- individual while obtaining the samples will not be so great as to require monitoring pursuant to Section 340.520(a).
- 6) The test for leakage for brachytherapy sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 37 Bq (0.001 uCi) of radon-222 in a 24 hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume and time.
- 7) Tests for contamination from radium daughters shall be taken on the interior surface of brachytherapy source storage containers and shall be capable of detecting the presence of 185 Bq (0.005 uCi) of a radium daughter which has a half-life greater than 4 days.
- b) A licensee need not perform tests for leakage or contamination on the following sealed sources:
  - 1) Sealed sources containing only radioactive material with a half-life of less than 30 days;
  - 2) Sealed sources containing only radioactive material as a gas;
  - 3) Sealed sources containing 3.7 MBq (100 uCi) or less of beta or photon-emitting material or 370 kBq (10 uCi) or less of alpha-emitting material;
  - 4) Sealed sources containing only hydrogen-3;
  - 5) Seeds of iridium-192 encased in nylon ribbon;
  - 6) Sealed sources, except teletherapy and brachytherapy sources, ~~which that~~ are stored, not being used and identified as in storage. The licensee shall, however, test each such sealed source for leakage or contamination and receive the test results that confirm that the sealed source is not leaking or contaminated before any use or transfer unless it has been tested for leakage or contamination within 6 months for beta and gamma emitting sources, or within 3 months for sources designed to emit alpha particles, before the date of use or transfer; and
  - 7) Sealed sources distributed under a license issued pursuant to 32 Ill. Adm. Code 330.280(m), but only if the evaluation sheet for those sealed sources, as filed in the "Radioactive

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

Material Reference Manual" maintained by the Department of Health and Human Services or in the "Registry of Radioactive Sealed Sources and Devices" maintained by the U.S. Nuclear Regulatory Commission, specifies that testing for leakage or contamination is not required.

- c) Tests for leakage or contamination from sealed sources shall be performed by persons specifically authorized by the Department, an Agreement State, a Licensing State or the Nuclear Regulatory Commission to perform such services.
- d) Test results shall be kept as specified in Section 340.1135 ~~in units of becquerel or microcurie and maintained for inspection by the Department.~~
- e) The following shall be considered evidence that a sealed source is leaking:
  - 1) The presence of 185 Bq (0.005 uCi) or more of removable contamination on any test sample.
  - 2) Leakage of 37 Bq (0.001 uCi) of radon-222 per 24 hours for brachytherapy sources manufactured to contain radium.
  - 3) The presence of removable contamination resulting from the decay of 185 Bq (0.005 uCi) or more of radium.
- f) The licensee shall immediately withdraw a leaking or contaminated sealed source from use and shall take action to prevent the spread of contamination. The leaking or contaminated sealed source shall be repaired, decontaminated or disposed of in accordance with this Part.
- g) Reports of test results for leaking or contaminated sealed sources shall be made pursuant to Section 340.1260.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

Section 340.510 General

- a) Each licensee or registrant shall make, or cause to be made, surveys:
  - 1) That demonstrate compliance with this Part; and
  - 2) That evaluate:

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

- A) The extent of radiation levels;
- B) Concentrations or quantities of radioactive material; and
- C) The potential radiological hazards that could be present.

b) The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months for the radiation measured or at alternative intervals specified in regulations of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State or the Nuclear Regulatory Commission.

- 1) To satisfy the requirement of subsection (b) above the licensee shall:
  - A) Use a source of radiation to calibrate two readings, separated by at least 50 percent of the full-scale reading, for each scale to be calibrated; and
  - B) Post a legible note on the instrument showing the date of calibration and the apparent dose rate from a dedicated check source as determined at the time of calibration or immediately upon receipt of the calibrated instrument.
  - C) Ensure that instrument calibrations are performed by persons specifically licensed by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such services.
- 2) The licensee shall consider a point as calibrated if:
  - A) The indicated dose rate differs from the calculated dose rate by not more than ten percent; or
  - B) The indicated dose rate differs from the calculated dose rate by not more than 20 percent and a correction chart or graph is conspicuously attached to the instrument.
- c) Prior to using a survey instrument for required surveys, a licensee shall check the survey instrument with a dedicated check source on each day the instrument is used. This check source shall have a



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

half-life greater than 5 years. These checks shall be taken with the check source placed in a specific geometry relative to the detector. If any check source reading varies by more than 20 percent from the reading measured immediately after calibration, the licensee shall require that the instrument be repaired or recalibrated before use to determine compliance with this Part. The results of these checks shall be recorded:

- 1) After repair, battery change or instrument calibration; and
- 2) At intervals not to exceed 3 months.

ed) Personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, personnel dosimeters that require processing to determine the radiation dose and that are used by licensees or registrants to comply with Section 340.210, with other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or with conditions specified in a license shall be processed and evaluated by a qualified dosimetry processor. A dosimetry processor is qualified if:

- 1) It holds current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and
- 2) It is approved by NVLAP for the type of radiation or radiations that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

e) A licensee or registrant shall obtain Department approval prior to using pocket ionization chambers or electronic dosimeters to determine radiation dose, to comply with Section 340.210, or with other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d or with conditions specified in a license. The Department will grant approval provided the licensee or registrant submits information describing the type and range of the dosimeters and describes a program to ensure the accuracy, reliability, precision and security of the dosimetry data.

df) The licensee or registrant shall ensure that adequate precautions are taken to prevent deceptive exposure of an individual monitoring device.

(Source: Amended at — Ill. Reg. —, effective — )

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

## Section 340.930 Exceptions to Posting Requirements

a) A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than 8 hours, if each of the following conditions is met:

- 1) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this Part; and
- 2) The area or room is subject to the licensee's or registrant's control.

b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to Section 340.920 provided that the patient door posting requirements of 32 Ill. Adm. Code 335.5030(a)(45) or 335.7030(b) are met.

c) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs, provided that:

- 1) A patient being treated with a permanent implant could be released from confinement pursuant to 32 Ill. Adm. Code 335.2110; or
- 2) A patient being treated with a therapeutic radiopharmaceutical could be released from confinement pursuant to 32 Ill. Adm. Code 335.5030(b).

d) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters (12 inches) from the surface of the sealed source container or housing does not exceed 0.05 mSv (0.005 rem) per hour.

e) A room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis in the healing arts.

f) If a room or area in which radioactive material or radiation machines are used for the treatment of patients is required to be posted with the words, "GRAVE DANGER, VERY HIGH RADIATION AREA" in accordance with 340.920(c), the following words may be substituted: "DANGER, VERY HIGH RADIATION AREA."

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

## Section 340.960 Procedures for Receiving and Opening Packages

- a) Each licensee who is authorized to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in 32 Ill. Adm. Code 341.20, as listed in 49 CFR 173.435 ~~revised as of September 29, 1988 published October 1, 1993, or as derived from 49 CFR 173.433 revised as of March 19, 1985 published October 1, 1993 shall:~~

- 1) Make arrangements to receive the package when the carrier offers it for delivery; or
- 2) Make arrangements to receive the notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

- b) Each licensee shall:

- 1) Monitor the external surfaces of a labeled package for radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form radioactive material as defined in 32 Ill. Adm. Code 310.20;

AGENCY NOTE: Labeled means labeled with a Radioactive White I, Radioactive Yellow II or Radioactive Yellow III label as specified in U.S. Department of Transportation regulations, 49 CFR 172.403 and 172.436-440, ~~current as of October 1, 1991 published October 1, 1993, exclusive of subsequent amendments or editions.~~

- 2) Monitor the external surfaces of a labeled package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in 32 Ill. Adm. Code 341.20, as listed in 49 CFR 173.435 ~~revised as of September 29, 1988 published October 1, 1993, or as derived from 49 CFR 173.433 revised as of March 19, 1985 published October 1, 1993; and~~

- 3) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet or damaged.

- c) The licensee shall perform the monitoring required by subsection (b)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

above as soon as practicable after receipt of the package, but not later than 3 hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours or if there is evidence of degradation of package integrity, such as a package that is crushed, wet or damaged. If a package is received after working hours, and has no evidence of degradation of package integrity, the package shall be monitored no later than 3 hours from the beginning of the next working day.

- d) The licensee shall immediately notify the final delivery carrier and the Department, by telephone ~~and either telegram, mailgram or facsimile~~, and shall confirm the initial contact within 24 hours by ~~overnight letter or telefacsimile to the Department, when:~~

- 1) Removable radioactive surface contamination exceeds the limits of 32 Ill. Adm. Code 341.150(h); or
- 2) External radiation levels exceed the limits of 32 Ill. Adm. Code 341.150(i) and (j).

- e) Each licensee shall:

- 1) Establish, maintain and retain written procedures for safely opening packages in which radioactive material is received; and
- 2) Ensure that the procedures are followed and that special instructions for the type of package being opened are adhered to.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

## Section 340.1130 Records of Surveys, Checks and Calibrations

- a) Each licensee or registrant shall maintain records showing the results of surveys, checks and calibrations required by Sections 340.510 and 340.960(b). The licensee or registrant shall retain these records for 5 years after the record is made.

- 1) Records of surveys shall include:

- A) The location and date of the survey and the manufacturer, model and serial number of the instrument used to perform the survey.



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

- B) The identity of the individual performing the survey; and
- C) The results of the survey and any corrective actions that were taken as a result.

2) Records of survey instrument checks performed by licensees in accordance with Section 340.510(c) shall include the manufacturer, model and serial number of the instrument that was checked, a description of the source used, the radiation level indicated by the instrument that was checked, the identity of the individual who performed the check and the date of the check.

3) Records of survey instrument calibrations performed by licensees in accordance with Section 340.510(b)(1) shall include:

- A) A copy of the licensee's calibration procedures or a copy of a license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State authorizing the person that performed the calibrations to perform calibrations as a customer service;

B) The manufacturer, model and serial number of the instrument that was calibrated; and

C) The manufacturer, model, serial number, radionuclide, activity and activity assay date of the calibration source used and the exposure rates from the source as provided in, or calculated from, information provided by the source supplier, the rates indicated by the instrument that was calibrated, the correction factors deduced from the calibration data, the signature or initials of the individual who performed the calibration and the date of the calibration.

b) The licensee or registrant shall retain each of the following records until the Department terminates each license or registration for which the record is required:

- 1) Records of the results of surveys to determine the dose from external sources of radiation that are used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

- 2) Records of the results of measurements and calculations that are used to determine individual intakes of radioactive material and that are used in the assessment of internal dose;
- 3) Records showing the results of air sampling, surveys and bioassays required pursuant to Sections 340.730(a)(3)(A) and (B); and
- 4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 340.1220 Notification of Incidents

- a) Immediate Notification. Notwithstanding any other requirements for notification, each licensee or registrant shall immediately report to the Department discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or releases of radioactive material in excess of the regulatory limits, or each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

- 1) An individual to receive:
- A) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or
- B) An eye dose equivalent of 0.75 Sv (75 rem) or more; or
- C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Gy (250 rad) or more; or
- 2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the ALI, except the provisions of this subsection do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED AMENDMENT

b) Twenty-four Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

- 1) An individual to receive, in a period of 24 hours:
  - A) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or
  - B) An eye dose equivalent exceeding 0.15 Sv (15 rem); or
  - C) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or

2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI, except the provisions of this subsection do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures.

c) Twenty-four Hour Notification. Each licensee shall notify the Department within 24 hours after the discovery of any of the following events involving radioactive material:

- 1) An unplanned contamination event that:
  - A) Requires access to the contaminated area by workers or the public to be restricted for more than 24 hours by imposing radiological controls or by prohibiting entry into the area;
  - B) Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR 20, Appendix B, effective January 1, 1994, for the material; and
  - C) Has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination.

2) An event in which equipment is disabled or fails to function as designated when:

- A) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, or to mitigate the consequences of an accident;
- B) The equipment is required to be available and operable when it is disabled or fails to function; and
- C) No redundant equipment is available and operable to perform the required safety function.

3) An event that requires unplanned medical treatment at a medical facility of an individual with radioactive contamination on the individual's clothing or body.

4) An unplanned fire or explosion damaging any licensed material or any device, container or equipment containing licensed material when:

- A) The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR 20, Appendix B, effective January 1, 1994, for the material; and

- B) The damage affects the integrity of the licensed material or its container.

ed) Licensees or registrants shall make the reports required by subsections (a), (b) and (c) above by initial contact by telephone to the Department and shall confirm the initial contact within 24 hours by telegram, mailgram, overnight letter or facsimile telefacsimile to the Department.

de) The licensee or registrant shall prepare each written report filed with the Department pursuant to this Section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

ef) The provisions of this Section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to Section 340.1240.

(Source: Amended at 111. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

**Section 340.1230 Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Limits**

a) Reportable Events. In addition to the notification required by Section 340.1220, each licensee or registrant shall submit a written report to the Department within 30 days after learning of any of the following occurrences:

- 1) Incidents for which notification is required by Section 340.1220; or
- 2) Doses in excess of any of the following:
  - A) The occupational dose limits for adults in Section 340.210; or
  - B) The occupational dose limits for a minor in Section 340.270; or
  - C) The limits for an embryo/fetus of a declared pregnant woman in Section 340.280; or
  - D) The limits for an individual member of the public in Section 340.310; or
  - E) Any applicable limit in the license; or

3) Levels of radiation or concentrations of radioactive material in:

- A) A restricted area in excess of any applicable limit in the license; or
- B) An unrestricted area in excess of ten times any applicable limit set forth in this Part or ten times any applicable limit set forth in the license, whether or not involving exposure of any individual in excess of the limits in Section 340.310; or

4) For licensees subject to the provisions of the U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, effective July 1, 1990 1993, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED AMENDMENT

**b) Contents of Reports**

- 1) Each report required by subsection (a) above shall include a description of the event, including the date, time and location of the event, the manufacturer and model number of any equipment that failed or malfunctioned and the identity, quantities and chemical forms of any radionuclides involved. Each report shall also describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:
  - A) Estimates of each individual's dose;
  - B) The levels of radiation and concentrations of radioactive material involved;
  - C) The cause of the elevated exposures, dose rates or concentrations; and
  - D) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards and associated license conditions.

- 2) Each report filed pursuant to subsection (a) above shall include for each individual exposed: the name, Social Security account number and date of birth. With respect to the limit for the embryo/fetus in Section 340.280, the identifiers shall be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Information To Be Submitted In A Compost Facility Permit Application

2) Code Citation: 35 Ill. Adm. Code 831

3) Section Numbers: Proposed Action:

831.101, 831.102	New Sections
831.103, 831.104	New Sections
831.105, 831.106	New Sections
831.107, 831.108	New Sections
831.109, 831.110	New Sections
831.111, 831.112	New Sections
831.113, 831.114	New Sections
831.115, 831.116	New Sections

4) Statutory Authority: 415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 38

5) A Complete Description of the Subjects and Issues Involved:

A fuller description is contained in the Board's 33 page Opinion of June 30, 1994 which Opinion is available from the address below. These rules were purposed to the Board by the Illinois Environmental Protection Agency as required by Section 22.33 of the Act; this rulemaking must be completed by December 1, 1994. These rules specifically set forth the information which must be contained in a landscape waste composting facility permit application.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date?

No.

8) Does this proposed rule contain incorporations by reference?

No.

9) Are there any other amendments pending on this Part?

No.

10) Statement of Statewide Policy Objectives:

This rulemaking is proposed pursuant to Section 22.33 of the Illinois Environmental Protection Act. The policy of objectives of that title are set forth in that Section.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-29 and be addressed to:

Dorothy M. Gunn, Clerk

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Questions concerning this rulemaking should be directed to:

Kevin G. Desharnais  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601  
(312) 814-6926

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:

June 30, 1994.

B) Types of small businesses affected:

This regulation will affect any small business which engages in the activity of composting landscape waste.

C) Reporting, bookkeeping or other procedures required for compliance:

None.

D) Types of professional skills necessary for compliance:  
Complying with these regulations may require clerical, managerial and professional skills.

The full text of the Proposed rule begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

## PART 831

## INFORMATION TO BE SUBMITTED IN A COMPOST FACILITY PERMIT APPLICATION

## SUBPART A: GENERAL INFORMATION REQUIRED FOR

## ALL COMPOST FACILITIES

## Section

## 831.101 Scope and Applicability

## 831.102 Severability

## 831.103 Certification by Professional Engineer

## 831.104 Application Fees

## 831.105 Required Signatures

## 831.106 Site Identification

## 831.107 Site Location Map

## 831.108 Site Plan Map

## 831.109 Narrative Description of the Facility

## 831.110 Legal Description

## 831.111 Proof of Land Ownership and Certification

## 831.112 Closure Plan

## 831.113 Financial Assurance

## 831.114 Operator-Initiated Modification of an Approved Permit

## 831.115 Modification to Obtain Operating Authorization

## 831.116 Permit Renewal

**AUTHORITY:** Implementing Sections 5, 21, 22.33, 22.34, 22.35 and 39 and authorized by Section 27 of the Environmental Protection Act. (415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 38)

**SOURCE:** Adopted at \_\_\_\_ Ill. Register \_\_\_\_, effective \_\_\_\_.

**NOTE:** Capitalization denotes statutory language.

## SUBPART A: GENERAL INFORMATION REQUIRED FOR

## ALL COMPOST FACILITIES

## Section 831.101 Scope and Applicability

This Part contains the procedures to be followed by all applicants in applying for permits required pursuant to Section 21(d) of the Act. The definitions set forth in 35 Ill. Adm. Code 830.102 apply to this Part.

## Section 831.102 Severability

If any provision of these regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of either this Part as a whole or any Subpart, Section, Subsection, sentence or clause thereof not adjudged invalid.

## Section 831.103 Certification by Professional Engineer

All designs presented in the application must be prepared by, or under the supervision of, a professional engineer if required by the Illinois

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Professional Engineering Practice Act. (225 ILCS 325/1 et seq.) The professional engineer shall affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information and design and a professional seal to all designs.

## Section 831.104 Application Fees

The permit application must be accompanied by all filing fees required pursuant to Section 5(f) of the Act.

## Section 831.105 Required Signatures

a) All permit applications shall contain the full legal name, address and telephone number of the operator, the property owner, if different from the operator, and any duly authorized agent(s) of the operator or property owner to whom all inquiries and correspondence shall be addressed.

b) All permit applications must be signed by the operator and the property owner, if different from the operator, or the duly authorized agent(s) of the operator or property owner, accompanied by an oath or affidavit attesting to the agent's authority to sign the application, if applicable, and notarized. The following persons are considered duly authorized agents of the operator and the property owner:

- 1) For corporations, a principal executive officer of at least the level of vice president;
- 2) For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
- 3) For a municipality, state, federal or other public agency, the head of the agency or ranking elected official.

## Section 831.106 Site Identification

For existing permitted sites, the site name and the Illinois Inventory Identification Number previously assigned by the Agency shall be used in correspondence with the Agency regarding the facility. Permit applications for new facilities shall include the proposed facility name, the latitude and longitude of the site, if available, the legal description of the site, if available, and the physical location, including at a minimum the city or township, county, state and zip code. An Illinois Inventory Identification Number will be assigned by the Agency.

## Section 831.107 Site Location Map

All permit applications shall contain a site location map on the most recent United States Geological Survey ("USGS") quadrangle of the area from the 7 1/2 minute series (topographic), or on such other map whose scale clearly shows the following information:

- a) The permit area and all adjacent property, extending at least 1/2 mile beyond the boundary of the facility;
- b) The prevailing wind direction;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- c) All rivers designated for protection under the Wild and Scenic Rivers Act (16 U.S.C. 127 et seq.);
- d) The limits of all 10-year floodplains;
- e) All natural areas designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (525 ILCS 30);
- f) All historic and archaeological sites designated by the National Historic Preservation Act (16 U.S.C. 470 et seq.) and the Illinois Historic Preservation Act (20 ILCS 3410);
- g) All areas identified as a critical habitat pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Illinois Endangered Species Protection Act (520 ILCS 10);
- h) All main service corridors, transportation routes, and access roads to the facility;
- i) All residences and areas in which people congregate within 1/2 mile of the facility boundaries.
- j) The locations of all on-site potable water supply wells and all potable water supply wells within 1/8 mile of the boundaries of the facility; and
- k) The types of land use for the properties immediately adjacent to the facility (i.e., residential, commercial, industrial, agricultural, etc.). This shall include any zoning classifications of these properties and the location (and function) of all buildings within 1/2 mile of the facility.

## Section 831.108 Site Plan Map

The application shall contain maps or plan sheets showing the location of the facility, on a scale no smaller than one inch equals 200 feet, containing five-foot contour intervals where the relief exceeds 20 feet and a two-foot contour interval where the relief is 20 feet or less, and referenced to a USGS datum. The following information shall be provided:

- a) The boundaries of the facility;
- b) The boundaries of the composting area(s);
- c) The property boundaries, if different;
- d) The location of all buildings on the property and any other pertinent location data with respect to the operation of the proposed facility (i.e., utilities, water supply, fencing, access roads, paved areas etc.);
- e) The location of all staging and stockpiling areas for landscape waste, end-product compost, windrow bulking agents or additives;
- f) The drainage patterns of the composting facility and surrounding areas. At a minimum, the direction of both on-site and off-site drainage, as well as the location of any ditches, swales, berms or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

other structures that exist or will be constructed to control runoff and leachate generated by the facility's operation shall be identified; and

- g) Proof that all authorizations, permits, and approvals required from each Bureau of the Agency have been applied for or obtained,

## Section 831.109 Narrative Description of the Facility

The permit application shall contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part and any other applicable Parts of 35 Ill. Adm. Code: Chapter I. Such description shall include, but not be limited to, the following information:

- a) An estimate of the maximum annual volume and peak daily volume of landscape waste the facility will be able to process;
- b) Proof of the following:

- 1) THE FACILITY INCLUDES A SETBACK OF AT LEAST 200 FEET FROM THE NEAREST POTABLE WATER SUPPLY WELL;
- 2) THE FACILITY IS LOCATED OUTSIDE THE BOUNDARY OF THE 10-YEAR FLOODPLAIN OR THE SITE WILL BE FLOODPROOFED;
- 3) THE FACILITY IS LOCATED SO AS TO MINIMIZE INCOMPATIBILITY WITH THE CHARACTER OF THE SURROUNDING AREA, INCLUDING AT LEAST A 200 FOOT SETBACK FROM ANY RESIDENCE AND IN THE CASE OF A FACILITY THAT IS DEVELOPED OR THE PERMITTED COMPOSTING AREA OF WHICH IS EXPANDED AFTER NOVEMBER 17, 1991 THE COMPOSTING AREA IS LOCATED AT LEAST 1/8 MILE FROM THE NEAREST RESIDENCE (OTHER THAN A RESIDENCE LOCATED ON THE SAME PROPERTY AS THE FACILITY).

- 4) THE DESIGN OF THE FACILITY WILL PREVENT ANY COMPOST MATERIAL FROM BEING PLACED WITHIN 5 FEET OF THE WATER TABLE, WILL ADEQUATELY CONTROL RUNOFF FROM THE SITE, AND WILL COLLECT AND MANAGE ANY LEACHATE THAT IS GENERATED ON THE SITE (Section 39(m) of the Act);

- c) An operating plan, satisfying the requirements set forth in 35 Ill. Adm. Code 830.206;
- d) An early detection or groundwater monitoring system design, in accordance with 35 Ill. Adm. Code 830.205(b)(1)(A)(iii) or 830.205(b)(2)(A)(iii);
- e) A contingency plan, satisfying the requirements set forth in 35 Ill. Adm. Code 830.212;
- f) Specification of the operating hours of the facility;
- g) The types of landscape waste that are proposed to be received by the facility;
- h) Descriptions of the storage areas (including their capacities)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

that will be used to stage the waste before weighing, to store bulking agent(s) or additives and to store the end-product compost; and

- i) Description of personnel training procedures, satisfying the requirements of 35 Ill. Adm. Code 830.210.

## Section 831.110 Legal Description

The permit application shall contain a legal description of the facility boundary. Data supplied by any registered land surveyor contained in the permit application must bear the signature or seal of that registered land surveyor. References are to be included when such data are obtained from published sources.

## Section 831.111 Proof of Land Ownership and Certification

The permit application must contain a certificate of ownership of the land on which the facility is located or a copy of the lease and its duration. The lease must clearly specify that the property owner authorizes the construction of a composting facility on the leased premises. The operator or property owner shall certify that the Agency will be notified 30 days prior to any changes in property ownership or conditions in the lease affecting the permit area.

## Section 831.112 Closure Plan

The permit application shall contain a written closure plan which contains a description of methods for compliance with all closure requirements in 35 Ill. Adm. Code 830.

## Section 831.113 Financial Assurance

The permit application shall contain methods to ensure financial assurance satisfying the requirements in 35 Ill. Adm. Code 830. Subpart F.

## Section 831.114 Operator-Initiated Modification of an Approved Permit

- a) To initiate a permit modification authorizing construction, resulting in an increase in capacity or extending the term of the existing permit, the operator shall file a complete permit application, on a form provided by the Agency, demonstrating compliance with all applicable requirements set forth in 35 Ill. Adm. Code 830.
- b) To initiate any other permit modification, the operator shall submit, on a form provided by the Agency, a request for the desired modification. The applicant shall submit all information required pursuant to this Part which pertains to the desired modification.

## Section 831.115 Modification to Obtain Operating Authorization

Unless otherwise authorized in the facility permit, prior to placing into service any structure constructed at a facility, the applicant shall obtain an operating authorization as a permit condition. In order to obtain such an operating authorization, the operator shall submit a report documenting that construction has been completed in accordance with the engineering design.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## Section 831.116 Permit Renewal

- a) The operator shall submit only that information required pursuant to this Part that has changed since the last permit review by the Agency.
- b) The operator shall update any groundwater impact assessment, in accordance with 35 Ill. Adm. Code 830. Appendix A.
- c) The operator shall provide a new cost estimate for closure pursuant to 35 Ill. Adm. Code 830.213 and 35 Ill. Adm. Code 830. Subpart F, based upon the maximum cost of premature final closure in the next permit term.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Procedural Requirements For Permitting Compost Facilities

2) Code Citation: 35 Ill. Adm. Code 832

3) Section Numbers: Proposed Action:

832.101, 832.102 New Sections  
832.103, 832.104 New Sections  
832.105, 832.106 New Sections  
832.107, 832.108 New Sections  
832.109, 832.110 New Sections  
832.111, 832.201 New Sections  
832.202, 832.301 New Sections  
832.302, 832.303 New Sections

4) Statutory Authority: 415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 38

5) A Complete Description of the Subjects and Issues Involved:

A fuller description is contained in the Board's 33 page Opinion of June 30, 1994 which Opinion is available from the address below. These rules were purposed to the Board by the Illinois Environmental Protection Agency as required by Section 22.33 of the Act; this rulemaking must be completed by December 1, 1994. These rules specifically set forth the information which must be contained in a landscape waste composting facility permit application.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date?

No.

8) Does this proposed rule contain incorporations by reference?

No.

9) Are there any other amendments pending on this Part?

No.

10) Statement of Statewide Policy Objectives:

This rulemaking is proposed pursuant to Title V of the Illinois Environmental Protection Act. The policy of objectives of that Title are set forth in Section 20 of the Act.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-29 and be addressed to:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Questions concerning this rulemaking should be directed to:

Kevin G. Desharnais  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601  
(312) 814-6926

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:

June 30, 1994.

B) Types of small businesses affected:

This regulation will affect any small business which engages in the activity of composting landscape waste.

C) Reporting, bookkeeping or other procedures required for compliance:

None.

D) Types of professional skills necessary for compliance:  
Complying with these regulations may require clerical, managerial and professional skills.

The full text of the Proposed rule begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

## PART 832

## PROCEDURAL REQUIREMENTS FOR PERMITTING COMPOST FACILITIES

## SUBPART A: GENERAL PROVISIONS

## Section

832.101

832.102

832.103

832.104

832.105

832.106

832.107

832.108

832.109

832.110

832.111

Scope and Applicability

Severability

Form and Delivery of Permit Application

Required Notifications

Agency Decision Deadlines

Standards for Issuance of a Permit

Standards for Denial of a Permit

Permit Appeals

Permit No Defense

Term of Permit

Transfer of Permit

## SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION OF PERMITS

## Section

832.201

832.202

Agency-Initiated Modification of an Approved Permit

Procedures for a Modification of an Approved Permit

## SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

## Section

832.301

832.302

832.303

Time of Filing

Effect of Timely Filing

Procedures for Permit Renewal

AUTHORITY: Implementing Sections 5, 21, 22.25, 22.33, 22.34, 22.35, 39, 39.2 and 40 and authorized by Section 27 of the Environmental Protection Act. (415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 38)

SOURCE: Adopted at \_\_\_\_\_ Ill. Register \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 832.101

## Scope and Applicability

This Part contains the procedures to be followed by the Agency in processing permits required pursuant to Section 21(d) of the Act and 35 Ill. Adm. Code 831. The definitions set forth in 35 Ill. Adm. Code in 830.102 apply to this Part.

## Section 832.102

## Severability

If any provision of these regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

such invalidity shall not affect the validity of either this Part as a whole or any Subpart, Section, Subsection, sentence or clause thereof not adjudged invalid.

## Section 832.103 Form and Delivery of Permit Application

All permit applications shall be made on forms prescribed by the Agency, and shall be mailed or delivered to the address designated by the Agency on the forms. The Agency shall provide a dated, signed receipt upon request. The Agency's record of the date of filing shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt. Permit applications which are hand-delivered must be delivered during the Agency's normal business hours.

## Section 832.104 Required Notifications

THE AGENCY SHALL NOT ISSUE A DEVELOPMENT OR CONSTRUCTION PERMIT AFTER DECEMBER 31, 1990 FOR ANY COMPOSTING FACILITY, UNLESS THE APPLICANT HAS GIVEN NOTICE THEREOF:

a) IN PERSON OR BY MAIL TO THE MEMBERS OF THE GENERAL ASSEMBLY FROM THE LEGISLATIVE DISTRICT IN WHICH THE PROPOSED FACILITY IS TO BE LOCATED;

b) BY REGISTERED OR CERTIFIED MAIL TO THE OWNERS OF ALL REAL PROPERTY LOCATED WITHIN 250 FEET OF THE SITE OF THE PROPOSED FACILITY (DETERMINED AS PROVIDED IN SUBSECTION (b) OF SECTION 39.2); AND

c) TO THE GENERAL PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROPOSED FACILITY IS TO BE LOCATED. (Section 22.26 of the Act.)

1) At a minimum, the newspaper notification must meet the following requirements:

A) Publication in the legal notice section of a daily newspaper in circulation within the city or area in which the facility is proposed to be located;

B) Published once a week for three successive weeks, pursuant to the Section 3 of the Illinois Notice by Publication Act (715 ILCS 5/3 (1992)).

2) The newspaper notification should contain:

A) A description of the type of facility being proposed;

B) The location of the proposed facility;

C) The name of the person or corporation proposing the facility with a contact person and phone number; and

D) Instructions to direct comments to the Agency in writing within twenty-one (21) days of the date of last publication. The Agency address and the phone number(s) of the bureau(s) and section(s) reviewing the permit shall be provided.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 3) The notification shall not be published more than 3 months before filing the application and shall commence no later than the filing date. Copies of the newspaper notification shall either accompany the application or be sent to the Agency within 30 days of filing the application.

## Section 832.105 Agency Decision Deadlines

- a) IF THERE IS NO FINAL ACTION BY THE AGENCY WITHIN 90 DAYS AFTER THE FILING OF THE APPLICATION FOR PERMIT, THE APPLICANT MAY DEEM THE PERMIT ISSUED; EXCEPT THAT THIS TIME PERIOD SHALL BE EXTENDED TO 180 DAYS WHEN NOTICE AND OPPORTUNITY FOR PUBLIC HEARING ARE REQUIRED BY STATE OR FEDERAL LAW OR REGULATION. (Section 39(a) of the Act.)

- b) An application for permit pursuant to this Part shall not be deemed filed until the Agency has received all information and documentation in the form and with the content required pursuant to this Part, 35 Ill. Adm. Code 830 and 35 Ill. Adm. Code 831. However, if, pursuant to the standards for the denial of a permit, the Agency fails to notify the applicant within 30 days following the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 832.103. The applicant may treat the Agency's notification that an for the application is incomplete as a denial of the application for the purpose of permit appeal.

- c) The applicant may waive the right to a final decision within the decision deadline. Such waiver shall be submitted in writing to the Agency prior to the applicable deadline in subsection (a) of this Section.

- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date. Any modification of a permit application shall constitute a new application for the purposes of calculating the Agency decision deadline date.

- e) Final action shall be deemed to have taken place on the date that such final action is signed.

- f) The Agency shall mail all notices of final action by registered or certified mail, postmarked with a date stamp and accompanied by a return receipt request.

## Section 832.106 Standards for Issuance of a Permit

- a) WHEN THE BOARD HAS BY REGULATION REQUIRED A PERMIT FOR THE CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY TYPE OF FACILITY, EQUIPMENT, VEHICLE, VESSEL, OR AIRCRAFT, THE APPLICANT SHALL APPLY TO THE AGENCY FOR SUCH PERMIT AND IT SHALL BE THE DUTY OF THE AGENCY TO ISSUE SUCH PERMIT UPON PROOF BY THE APPLICANT THAT THE FACILITY, EQUIPMENT, VEHICLE, VESSEL, OR AIRCRAFT WILL NOT CAUSE A VIOLATION OF THE ACT OR OF REGULATIONS set forth in 35 Ill. Adm. Code: Chapter 1.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- b) IN GRANTING PERMITS, THE AGENCY MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ACT, AND AS ARE NOT INCONSISTENT WITH THE REGULATIONS PROMULGATED BY THE BOARD.
- c) NO PERMIT SHALL BE ISSUED BY THE AGENCY UNDER THE ACT FOR CONSTRUCTION OR OPERATION OF ANY FACILITY OR SITE LOCATED WITHIN THE BOUNDARIES OF ANY SETBACK ZONE ESTABLISHED PURSUANT TO THE ACT, WHERE SUCH CONSTRUCTION OR OPERATION IS PROHIBITED. (Section 39 of the Act.)

## Section 832.107 Standards for Denial of a Permit

IF THE AGENCY DENIES ANY PERMIT PURSUANT TO THIS Section, THE AGENCY SHALL TRANSMIT TO THE APPLICANT, WITHIN THE TIME LIMITATIONS for Agency decision deadlines, SPECIFIC, DETAILED STATEMENTS AS TO THE REASONS THE PERMIT APPLICATION WAS DENIED. SUCH STATEMENTS SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

- a) THE SECTIONS OF THE ACT THAT MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- b) THE PROVISION OF THE REGULATIONS set forth in 35 Ill. Adm. Code: Chapter 1, PROMULGATED PURSUANT TO THE ACT, THAT MAY BE VIOLATED IF THE PERMIT WERE GRANTED;
- c) THE SPECIFIC INFORMATION, IF ANY, THE AGENCY DEEMS THE APPLICANT DID NOT PROVIDE IN ITS APPLICATION TO THE AGENCY; AND
- d) A STATEMENT OF SPECIFIC REASONS WHY THE ACT AND THE REGULATIONS set forth in 35 Ill. Adm. Code: Chapter 1 MIGHT BE VIOLATED IF THE PERMIT WERE GRANTED. (Section 39(m) of the Act.)

## Section 832.108 Permit Appeals

IF THE AGENCY REFUSES TO GRANT OR GRANTS WITH CONDITIONS A PERMIT UNDER SECTION 39 OF THE ACT, THE APPLICANT MAY, WITHIN 35 DAYS, PETITION FOR A HEARING BEFORE THE BOARD TO CONTEST THE DECISION OF THE AGENCY. (Section 40(a)(1) of the Act) The petition shall be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 101 and 105.

## Section 832.109 Permit No Defense

The issuance and possession of a permit shall not constitute a defense to a violation of the Act or any Board regulations, except for the development and operation of a facility without a permit.

## Section 832.110 Term of Permit

No permit issued pursuant to this part shall have a term of more than 10 years.

## Section 832.111 Transfer of Permits

A permit may be transferred to a new operator only upon permit modification, pursuant to this Part, to identify the new permittee and incorporate other requirements necessary under the Act. The application shall be signed by the existing owner or duly authorized agent of the owner and the new owner and



POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED RULES

operator or duly authorized agents. The new operator to whom the permit is transferred shall comply with all terms and conditions specified in such permit.

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION OF PERMITS

Section 832.201 Agency-Initiated Modification of an Approved Permit

a) The Agency may modify a permit under the following circumstances:

- 1) Discovery of a typographical, administrative, or calculation error;
- 2) Discovery that a determination or condition was based upon false or misleading information;
- 3) An order of the Board issued in an action brought pursuant to Title VII, IX or X of the Act; or
- 4) Promulgation of new statutes or regulations affecting the permit.

b) Modifications initiated by the Agency shall not become effective until 45 days after receipt by the operator, unless stayed during the pendency of an appeal to the Board. The operator may request that the Agency reconsider the modification, or may file a petition for hearing with the Board pursuant to Section 832.108. All other time periods and procedures in 832.202 shall apply.

Section 832.202 Procedures for a Modification of an Approved Permit

Application for modification of an approved permit shall be subject to all requirements and time schedules set forth in this Part.

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section 832.301 Time of Filing

An application for renewal of a permit shall be filed with the Agency at least 90 days prior to the expiration date of the existing permit.

Section 832.302 Effect of Timely Filing

When a permittee has made timely and sufficient application for the renewal of a permit, the existing permit shall continue in full force and effect until the final Agency decision on the application and any final Board decision on any appeal pursuant to section 40 have been made, unless a later date is fixed by order of a reviewing court.

Section 832.303 Procedures for Permit Renewal

Applications for permit renewal are to be subject to the requirements and time schedules set forth in Subpart A of this Part.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Standards for Compost Facilities

2) Code Citation: 35 Ill. Adm. Code Section 830

3) Section Numbers: Proposed Action:

830.101, 830.102	New Sections
830.103, 830.104	New Sections
830.105, 830.106	New Sections
830.107, 830.108	New Sections
830.201, 830.202	New Sections
830.203, 830.204	New Sections
830.205, 830.206	New Sections
830.207, 830.208	New Sections
830.209, 830.210	New Sections
830.211, 830.212	New Sections
830.213, 830.501	New Sections
830.502, 830.503	New Sections
830.504, 830.507	New Sections
830.508, 830.601	New Sections
830.602, 830.603	New Sections
830.604, 830.605	New Sections
830.606	New Section
830. Table A	New Section
830. Table B	New Section
830. Table C	New Section
830. APPENDIX A	New Section
830. APPENDIX B	New Section

4) Statutory Authority: 415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 38

5) A Complete Description of the Subjects and Issues Involved:

A fuller description is contained in the Board's 33 page Opinion of June 30, 1994 which Opinion is available from the address below. These rules were proposed to the Board by the Illinois Environmental Protection Agency as required by Section 22-33 of the Act; this rulemaking must be completed by December 1, 1994. These rules specifically contain standards for the location and operation of landscape waste compost facilities, standards for end-product compost offered for sale or use, permit application requirements for permitted landscape waste compost facilities, and procedural requirements for the permitting of landscape waste compost facilities.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date?

No.

8) Does this proposed rule contain incorporations by reference?

Yes.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

American Public Health Association et al., 1015 Fifteenth Street, N.W. Washington, D.C. 20005, "Standard Test Methods for the Examination of Water and Wastewater," 18th Edition, 1992.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846 (Third Edition, September 1986, as amended by Revision I (December, 1987), Final Update I (November, 1992) and Proposed Update II (July, 1992)), United States Environmental Protection Agency, Washington, D.C., EPA Publication No. SW-846.

North Dakota Agricultural Experiment Station, North Dakota State University, Fargo, North Dakota 58105, "Recommended Chemical Soil Test Procedures for the North Central Region," North Central Regional Publication No. 221 (Revised), Bulletin No. 499 (Revised), October 1988.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is proposed pursuant to Section 22.33 of the Illinois Environmental Protection Act. The policy objectives of that Title are set forth in that Section.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R93-29 and be addressed to:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Questions concerning this rulemaking should be directed to:

Kevin Desharnais  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601  
(312) 814-6926

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:

June 30, 1994.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

B) Types of small businesses affected:

This regulation will affect any small business which engages in the activity of composting landscape waste.

C) Reporting, bookkeeping or other procedures required for compliance:

Section 830.202(h)(1) requires the operators of permitted facilities to submit a written annual statement. Section 830.202(h)(2) requires permit-exempt facilities composting over 100 cubic yards of landscape waste per year to file an annual report. Section 830.211(d) requires that records be kept for a period of three years, and that they be made available for Agency inspection. 830.211(a) requires regulated facilities to keep copies of the facility permit, if required, design plans, operating plans and required reports available for inspection at the facility or some other specified location. Section 830.211(b) requires facility operators to record the following information: the quantity of each load of landscape waste received; the origin, type and quantity of any additive used; the date of turning of each windrow or pile; any monitoring data required pursuant to permit; conditions monitored pursuant to the facility operating plan; information concerning odor complaints; information concerning incidents requiring implementation of a facility's contingency plan; records pertaining to sampling and testing; the daily quantity of end-product compost removed from the facility; and verification of personnel training. Section 830.211(c) requires facility operators to keep dated copies of end-product compost analyses.

D) Types of professional skills necessary for compliance:

Complying with these regulations may require clerical, managerial, and professional skills.

The full text of the Proposed rule begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

## PART 830

## STANDARDS FOR COMPOST FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section  
830.101  
830.102  
830.103  
830.104  
830.105  
830.106  
830.107  
830.108

## Purpose, Scope and Applicability

## Definitions

## Incorporations by Reference

## Exempt Operations and Activities

## Permit-Exempt Facilities &amp; Activities

## On-Farm Compost Operation

## Compliance Date

## Severability

## SUBPART B: STANDARDS FOR OWNERS AND OPERATORS OF LANDSCAPE WASTE COMPOST FACILITIES

Section  
830.201  
830.202  
830.203  
830.204  
830.205  
830.206  
830.207  
830.208  
830.209  
830.210  
830.211  
830.212  
830.213

## Scope and Applicability

## Minimum Performance Standards and Reporting Requirements

## Location Standards for Landscape Waste Compost Facilities

## Additional Stormwater and Landscape Waste Leachate Controls at

## Landscape Waste Compost Facilities

## Additional Operating Standards for Landscape Waste Compost

## Facilities

## Operating Plan for Landscape Waste Compost Facilities

## Salvaging at Landscape Waste Compost Facilities

## Access Control at Landscape Waste Compost Facilities

## Load Checking Program at Landscape Waste Compost Facilities

## Personnel Training for Landscape Waste Compost Facilities

## Recordkeeping for Landscape Waste Compost Facilities

## Contingency Plan for Landscape Waste Compost Facilities

## Closure Plan for Landscape Waste Compost Facilities

## SUBPART E: QUALITY OF END-PRODUCT COMPOST

Section  
830.501  
830.502  
830.503  
830.504  
830.507  
830.508

## Scope and Applicability

## Compost Classes

## Performance Standards For General Use Compost

## Testing Requirements for End-Product Compost Derived from

## Landscape Waste

## Sampling Methods

## Off-Specification Compost

## SUBPART F: FINANCIAL ASSURANCE

Section  
830.601  
830.602  
830.603  
830.604

## Scope and Applicability

## Financial Assurance Plan

## Written Cost Estimate

## Financial Assurance Fund

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

830.605 Financial Assurance Mechanism  
830.606 Financial Assurance Certification

## 830.TABLE A Inorganic Concentration Limits for General Use Compost

## 830.TABLE B Sampling and Handling Requirements

## 830.TABLE C Seed Germination Record Sheet

## 830.APPENDIX A Early Detection and Groundwater Monitoring Program

## 830.APPENDIX B Performance Test Methods

AUTHORITY: Implementing Sections 5, 21, 22.33, 22.34, 22.35 and 39 and authorized by Section 27 of the Environmental Protection Act. (415 ILCS 5/5, 21, 22.33, 22.34, 22.35, 27 and 38)

SOURCE: Adopted at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 830.101 Purpose, Scope and Applicability

## a) The purpose of this Part is to establish:

- 1) Performance standards for landscape waste compost facilities operating in the State of Illinois; and
- 2) Testing procedures and standards for end-product compost offered, by a facility, for sale or for use in the State of Illinois.

## b) General applicability.

- 1) The provisions of this Part apply to all landscape waste compost facilities operating in the State of Illinois, except those expressly exempted pursuant to Section 830.104, and those regulated pursuant to 35 Ill. Adm. Code 391 and 40 CFR Part 503.

- 2) Facilities regulated pursuant to this Part are not subject to 35 Ill. Adm. Code 807 or 810 through 815, except that any accumulation of materials meeting the 35 Ill. Adm. Code 810 definition of a waste pile shall be subject to 35 Ill. Adm. Code 810 through 815.

## c) Specific applicability.

- 1) The provisions of this Subpart apply to all facilities subject to this Part; the definitions set forth in Section 830.102 apply for purposes of this Part, 35 Ill. Adm. Code 831, and 35 Ill. Adm. Code 832.
- 2) The performance standards set forth in Subpart B are applicable to landscape waste composting facilities subject to this Part.
- 3) The performance standards set forth in Subpart E are applicable to all general use compost offered for sale or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

for use in Illinois; the testing requirements set forth in Subpart E are applicable to facilities offering general use compost for sale or for use in Illinois.

- 4) The financial assurance requirements set forth in Subpart F are applicable to all facilities subject to this Part that are required to have a permit pursuant to 35 Ill. Adm. Code 831.

## Section 830.102 Definitions

Except as stated in this Section, the definition of each word or term used in this Part, 35 Ill. Adm. Code 831 and 35 Ill. Adm. Code 832 shall be the same as that applied to the same word or term in the Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.)

"Act" means the Environmental Protection Act, (415 ILCS 5/1 et seq.).

"Additive," means components, other than landscape waste, added to composting material to maximize the decomposition process by adjusting any of the following: moisture, temperature, oxygen transfer, pH, carbon to nitrogen ratio, biology or biochemistry of the composting material.

"Aerated static pile" means a composting system that uses a series of perforated pipes or equivalent air distribution systems running underneath a compost pile and connected to a blower that either draws or blows air through the piles. Little or no pile agitation or turning is performed.

"Aerobic composting" means a process managed and maintained to promote maturation of organic materials by microbial action in the presence of free oxygen contained within the gas in the composting material.

"Aerobic" means done in the presence of free oxygen.

"Agency" means the Illinois Environmental Protection Agency.

"AGRONOMIC RATES" MEANS THE APPLICATION OF NOT MORE THAN 20 TONS PER ACRE PER YEAR, EXCEPT THAT THE AGENCY MAY ALLOW A HIGHER RATE FOR INDIVIDUAL SITES WHERE THE OWNER OR OPERATOR HAS DEMONSTRATED TO THE AGENCY THAT THE SITE'S SOIL CHARACTERISTICS OR CROP NEEDS REQUIRE A HIGHER RATE. (Section 21(g) of the Act.)

"Anaerobic composting" means a process managed and maintained to promote maturation of organic materials by microbial action in the absence of free oxygen within the gas in the composting material.

"Bad Load" means a load of material that would, if accepted, cause or contribute to a violation of the Act, even if managed in accordance with these regulations and any facility permit conditions.

"Batch" means material used to fill the vessel of a contained composting system.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

"Board" means the Illinois Pollution Control Board.

"Bulking agent" means a material used to increase porosity, to improve aeration, or to absorb moisture from decomposing waste.

"Closure" means the process of terminating composting facility operations pursuant to applicable Sections in this Part, 35 Ill. Adm. Code 831 and 35 Ill. Adm. Code 832, beginning upon permit expiration without filing for renewal, intentional cessation of waste acceptance or cessation of waste acceptance for greater than 180 consecutive days, unless an alternative time frame is approved in a closure plan.

"Commercial activity" means any activity involving the transfer of money.

"COMPOST" MEANS THE HUMUS-LIKE PRODUCT OF THE PROCESS OF COMPOSTING WASTE, WHICH MAY BE USED AS A SOIL CONDITIONER. (Section 3.70 of the Act.)

"COMPOSTING" MEANS THE BIOLOGICAL TREATMENT PROCESS BY WHICH MICROORGANISMS DECOMPOSE THE ORGANIC FRACTION OF THE WASTE, PRODUCING COMPOST. (Section 3.70 of the Act.) Land application is not composting.

"Composting area" means the area of a composting facility in which waste, composting material or undistributed end-product compost is unloaded, stored, staged, stockpiled, treated or otherwise managed.

"Composting material" means solid wastes that are in the process of being composted.

"Composting operation" means an enterprise engaged in the production and distribution of end-product compost.

"Contained composting process" means a method of producing compost in which the composting material is confined or contained in a vessel or structure which both protects the material from the elements and controls the moisture and air flow.

"Designated use compost" means end-product compost which does not meet the standards set forth in Section 830.503 of this Part.

"Dewar flask" means an insulated container used especially to store liquefied gases, having a double wall, an evacuated space between the walls and silvered surfaces.

"Domestic sewage" means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

"End-product compost" means organic material that has been processed to maturity and classified as general use compost or designated use compost in accordance with this Part.

"Facility" means any landscape waste compost facility.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

"GARBAGE" IS WASTE RESULTING FROM THE HANDLING, PROCESSING, PREPARATION, COOKING, AND CONSUMPTION OF FOOD, AND WASTES FROM THE HANDLING, PROCESSING, STORAGE, AND SALE OF PRODUCE (Section 3.11 of the Act.)

"Garden compost operation" means an operation which (1) has no more than 25 cubic yards of landscape waste, composting material or end-product compost on-site at any one time and (2) is not engaging in commercial activity.

"General use compost" means end-product compost which meets the standards set forth in Section 830.503 of this Part.

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3(b) of the Groundwater Protection Act (415 ILCS 55/1 et seq.))

"In-vessel composting" means a diverse group of composting methods in which composting materials are contained in a building, reactor, or vessel.

"In-vessel continuous feed system" means a method of producing composting in which the raw composting material is delivered on a continuous basis to a reactor.

"Insulating material" means material used for the purpose of preventing the passage of heat out of a windrow or other pile. Insulating material includes, but is not limited to, end-product compost, foam, or soil. Insulating material does not include composting material that has not reached maturity.

"Land Application" means the spreading of waste, at an agronomic rate, as a soil amendment to improve soil structure and crop productivity.

"LANDSCAPE WASTE" MEANS ALL ACCUMULATIONS OF GRASS OR SHRUBBERY CUTTINGS, LEAVES, TREE LIMBS AND OTHER MATERIALS ACCUMULATED AS THE RESULT OF THE CARE OF LAWNS, SHRUBBERY, VINES AND TREES (Section 3.20 of the Act).

"Landscape waste compost facility" means an entire landscape waste composting operation, with the exception of a garden compost operation.

"Landscape waste leachate" means a liquid containing any of the following: waste constituents originating in landscape waste; landscape waste composting material; additives; and end-product compost.

"Maturity" means a state which is characteristically: generally dark in color; humus-like; crumbly in texture; not objectionable in odor; resembling rich topsoil; and bearing little resemblance in physical form to the waste from which derived.

"Modification" means a permit revision authorizing either an extension of the current permit term or a physical or operational

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

change at a composting facility which involves different or additional processes, increases the capacity of the operation, requires construction, or alters a requirement set forth as a special condition in the existing permit.

"MPN" means most probable number, a mathematical inference of the viable count from the fraction of cultures that fail to show growth in a series of tubes containing a suitable medium.

"Nearest Residence" means an occupied dwelling and adjacent property commonly used by inhabitants of the dwelling.

"Non-compostable material" means items not subject to microbial decomposition under conditions used to compost waste.

"Off-site" means not on-site.

"On-farm compost operation" means a landscape compost facility which satisfies all of the criteria set forth in section 830.106.

"On-site" means on the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access are also considered on-site property.

"On-site facility" means a landscape waste compost facility at which the landscape waste composted is generated only on-site and the end-product is not offered for off-site sale or use.

"On-site/off-site facility" means a landscape waste compost facility at which the landscape waste composted is generated only on-site and the end-product is offered for off-site sale or use.

"Open composting process" means a method of producing compost without protecting the compost from weather conditions.

"Operator" means the individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity that is responsible for the operation of the facility. The property owner, if different from the operator, shall be deemed the operator in the event that the operator abandons the facility.

"Origin" means the legal entity from which a substance has been obtained.

"Processing into windrows or other piles" means placement of waste materials into windrows or other piles of a size, structure, and mixture adequate to begin the composting process.

"Property owner" means the owner of the land on which the composting operation is located or proposed to be located, except that if the operator has obtained a lease for at least the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

duration of the proposed facility permit plus one year, then "property owner" shall mean the operator of the composting operation.

"Registered professional engineer" means a person registered under the Illinois Professional Engineering Practice Act (225 ILCS 325/1 et seq. (1993)).

"Relatively impermeable soil" means a soil located above the water table that has a hydraulic conductivity no greater than  $1 \times 10^3$  centimeters per second for a thickness of at least one foot.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, excluding any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Salvaging" means the return of waste materials to beneficial use.

"Salvaging operations" means those activities that recover waste for beneficial use, so long as the activity is done under the supervision of the compost facility's operator, does not interfere with or otherwise delay the operations of the compost facility, and results in the removal of all materials for salvaging from the compost facility daily or separation by type and storage in a manner that does not create a nuisance, harbor vectors, or cause an unsightly appearance.

"SITE" MEANS ANY LOCATION, PLACE, TRACT OF LAND, AND FACILITIES, INCLUDING BUT NOT LIMITED TO BUILDINGS, AND IMPROVEMENTS USED FOR PURPOSES SUBJECT TO REGULATION OR CONTROL BY THIS ACT OR REGULATIONS THEREUNDER. (Section 3.43 of the Act.)

"Septage" means the liquid portions and sludge residues removed from septic tanks.

"Sewage" means water-carried human and related waste from any source.

"SLUDGE" MEANS ANY SOLID, SEMISOLID, OR LIQUID WASTE GENERATED FROM A MUNICIPAL, COMMERCIAL, OR INDUSTRIAL WASTEWATER TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY, OR ANY OTHER SUCH WASTE HAVING SIMILAR CHARACTERISTICS AND EFFECTS. (Section 3.44 of the Act.)

"SPECIAL WASTE" MEANS ANY INDUSTRIAL PROCESS WASTE, POLLUTION CONTROL WASTE OR HAZARDOUS WASTE, EXCEPT AS DETERMINED PURSUANT TO SECTION 22.9 OF THE ACT AND 35 Ill. Adm. Code 808. (Section 3.45 of the Act.)

"stability" means a state in which the compost decomposes slowly even under conditions favorable for microbial activity.

"staging area" means an area within a facility where raw material

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

for composting is processed, temporarily stored in accordance with the standards set forth in 830.205(a)(1)(A), loaded or unloaded.

"Surface water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake. Such term does not include treatment works (such as a retention basin).

"Ten (10) year, 24 hour precipitation event" means a precipitation event of 24 hour duration with a probable recurrence interval of once in 10 years.

"20-20-20 NPK" means a fertilizer containing 20 percent total nitrogen (N), 20 percent available phosphoric acid ( $P_2O_5$ ) and 20 percent soluble potash ( $K_2O$ ).

"Unacceptable load" means a load containing waste a facility is not authorized to accept.

"Underground water" means all water beneath the land surface.

"Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

"water table" means the boundary between the unsaturated and saturated zones of geologic materials or the surface on which the fluid pressure in the pores of a porous medium is exactly at atmospheric pressure.

"Windrow" means an elongated pile of solid waste or composting material constructed to promote composting.

"Woody landscape waste" means plant material greater than two inches in diameter.

## Section 830.103 Incorporations by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

- a) American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D.C. 20005, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992.
- b) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (Third Edition, September, 1986, as amended by Revision I (December, 1987), Final Update I (November, 1992) and Proposed Update II (July, 1992)), United States Environmental Protection Agency, Washington, D.C., EPA Publication Number SW-846.
- c) North Dakota Agricultural Experiment Station, North Dakota State University, Fargo, North Dakota 58105, "Recommended Chemical Soil Test Procedures for the North Central Region," North Central Regional Publication No. 221 (Revised), Bulletin No.499 (Revised), October 1988.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## Section 830.104 Exempt Operations and Activities

- a) The requirements of this Part shall not apply to a garden compost operation as defined at Section 830.102.
- b) The testing requirements set forth in Subpart E of this Part SHALL NOT APPLY TO END-PRODUCT COMPOST USED AS A DAILY COVER OR VEGETATIVE AMENDMENT IN THE FINAL LAYER of a landfill. (Section 22.33(c) of the Act.)
- c) Notwithstanding subsection (b) of this Section, end-product compost shall not be used as daily cover or vegetative amendments in the final layer of a landfill unless such use is approved in the landfill's permit.

## Section 830.105 Permit-Exempt Facilities &amp; Activities

The following types of facilities or activities are not required to have a permit pursuant to this Part:

- a) A LANDSCAPE WASTE COMPOSTING OPERATION FOR LANDSCAPE WASTES GENERATED BY SUCH FACILITY'S OWN ACTIVITIES WHICH ARE STORED, TREATED OR DISPOSED OF WITHIN THE SITE WHERE SUCH WASTES ARE GENERATED (Section 21(q)(1) of the Act); OR
- b) APPLYING LANDSCAPE WASTE OR COMPOSTED LANDSCAPE WASTE AT AGRONOMIC RATES (Section 21(q)(2) of the Act); OR
- c) A LANDSCAPE WASTE COMPOSTING FACILITY ON A FARM WHICH MEETS ALL OF THE CRITERIA set forth at Section 830.106. (Section 21(q)(3) of the Act.)

## Section 830.106 On-Farm Compost Operation

A landscape compost operation on a farm must satisfy all of the following criteria:

- a) THE COMPOSTING FACILITY IS OPERATED BY THE FARMER ON PROPERTY ON WHICH THE COMPOSTING MATERIAL IS UTILIZED, AND THE COMPOSTING FACILITY CONSTITUTES NO MORE THAN 2% OF THE PROPERTY'S TOTAL ACREAGE, EXCEPT THAT THE AGENCY MAY ALLOW A HIGHER PERCENTAGE FOR INDIVIDUAL SITES WHERE THE OWNER OR OPERATOR HAS DEMONSTRATED TO THE AGENCY THAT THE SITE'S SOIL CHARACTERISTICS OR CROP NEEDS REQUIRE A HIGHER RATE;
- b) THE PROPERTY ON WHICH THE COMPOSTING FACILITY IS LOCATED, AND ANY ASSOCIATED PROPERTY ON WHICH THE COMPOST IS USED, IS PRINCIPALLY AND DILIGENTLY DEVOTED TO THE PRODUCTION OF AGRICULTURAL CROPS AND IS NOT OWNED, LEASED OR OTHERWISE CONTROLLED BY ANY WASTE HAULER OR GENERATOR OF NONAGRICULTURAL COMPOST MATERIALS, AND THE OPERATOR OF THE COMPOSTING FACILITY IS NOT AN EMPLOYEE, PARTNER, SHAREHOLDER, OR IN ANY WAY CONNECTED WITH OR CONTROLLED BY ANY SUCH WASTE HAULER OR GENERATOR;
- c) ALL COMPOST GENERATED BY THE COMPOSTING FACILITY IS APPLIED AT AGRONOMIC RATES AND USED AS MULCH, FERTILIZER OR SOIL CONDITIONER ON LAND ACTUALLY FARMED BY THE PERSON OPERATING THE COMPOSTING FACILITY, AND THE FINISHED COMPOST IS NOT STORED AT THE COMPOSTING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

SITE FOR A PERIOD LONGER THAN 18 MONTHS PRIOR TO ITS APPLICATION AS MULCH, FERTILIZER, OR SOIL CONDITIONER; and

- d) ALL COMPOSTING MATERIAL WAS PLACED MORE THAN 200 FEET FROM THE NEAREST POTABLE WATER SUPPLY WELL, WAS PLACED OUTSIDE THE BOUNDARY OF THE 10-YEAR FLOODPLAIN OR ON A PART OF THE SITE THAT IS FLOODPROOFED, WAS PLACED AT LEAST 1/4 MILE FROM THE NEAREST RESIDENCE (OTHER THAN A RESIDENCE LOCATED ON THE SAME PROPERTY AS THE FACILITY) AND THERE ARE NOT MORE THAN 10 OCCUPIED NON-FARM RESIDENCES WITHIN 1/2 MILE OF THE BOUNDARIES OF THE SITE ON THE DATE OF APPLICATION, AND WAS PLACED MORE THAN 5 FEET ABOVE THE WATER TABLE.

- e) THE OWNER OR OPERATOR, BY JANUARY 1, 1991 (OR THE JANUARY 1 FOLLOWING COMMENCEMENT OF OPERATION, WHICHEVER IS LATER) AND JANUARY 1 OF EACH YEAR THEREAFTER shall:

- 1) REGISTER THE SITE WITH THE AGENCY, by obtaining an Illinois Inventory Identification Number from the Agency;
  - 2) File a report with the Agency, on a form provided by the Agency, certifying at a minimum:
    - A) THE VOLUME OF COMPOSTING MATERIAL RECEIVED AND USED AT THE SITE during the previous calendar year; and
    - B) The volume of compost produced during the previous calendar year.
- (Section 21(q) of the Act.)

## Section 830.107 Compliance Date

- a) All operators of existing facilities shall comply with the applicable minimum performance standards and recordkeeping requirements set forth in Section 830.202 of this Part by the effective date of these regulations.
- b) Within one year of the effective date of these regulations, all operators of existing facilities shall certify compliance with the applicable provisions set forth in Sections 830.206, 830.210, 830.211, 830.504 and 830.507. Certification of compliance with Sections 830.206, 830.210, 830.211, 830.504 and 830.507 shall be done by completing and filing with the Agency a form provided by the Agency.
- c) Within one year of the effective date of these regulations, all operators of existing permitted facilities shall certify compliance with Subpart F of this Part. Such certification of compliance shall be done as specified in Section 830.606.
- d) Each existing permitted facility shall, in addition, remain in compliance with all conditions set forth in its current facility permit, pending permit expiration or modification authorizing construction, resulting in an increase in capacity, transferring ownership or extending the current permit term.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- e) Upon application either for permit renewal or for modification authorizing construction, resulting in an increase in capacity, extending the current permit term or initiated by the Agency pursuant to 35 Ill. Adm. Code 832.201, an existing permitted facility shall demonstrate, as part of the permit application, compliance with all provisions of this Part applicable to permitted facilities.

## Section 830.108 Severability

If any provision of these regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of either this Part as a whole or any Subpart, Section, Subsection, sentence or clause thereof not adjudged invalid.

## SUBPART B: STANDARDS FOR OWNERS AND OPERATORS OF LANDSCAPE WASTE COMPOST FACILITIES

## Section 830.201 Scope and Applicability

- a) Section 830.202 is applicable to all landscape waste compost facilities subject to this Part, except any on-site landscape waste compost facility.
- b) Section 830.203 is applicable to all landscape waste compost facilities subject to this Part, except:
- 1) any on-farm compost operation;
  - 2) any on-site landscape waste facility which composts less than 100 cubic yards of landscape waste per year.
- c) Sections 830.204 through 830.213 are applicable to all landscape waste compost facilities that:
- 1) are required to have a permit; or
  - 2) offer end-product compost for off-site sale or use and compost 100 cubic yards or more of landscape waste per year.

## Section 830.202 Minimum Performance Standards and Reporting Requirements

Except as otherwise provided at Section 830.201(a), any operator of a landscape waste compost facility subject to this Part shall comply with the following requirements:

- a) The composting material shall not contain any domestic sewage, sewage sludge or seepage.
- b) The operator shall take specific measures to control odors and other sources of nuisance so as not to cause or contribute to a violation of the Act. Specific measures an operator should take to control odor and other sources of nuisance during composting include but are not limited to: timely processing of incoming material; maintenance of optimum temperature and moisture in the composting material; preventative measures to control dust and noise generated from truck or equipment operation; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

preventative measures to control odor during turning, by taking into consideration the time of day, the wind direction, and the moisture level, estimated odor potential, and degree of maturity of the composting material.

- c) The operator shall have available for inspection a plan for the intended use of end-product compost and a contingency plan for handling end-product compost and composting material that does not meet the general use compost standards set forth in Section 830.503 of this Part. Such a plan may include, but is not limited to, consideration of the following: on-site usage; identification of potential buyers including but not limited to gardeners, landscapers, vegetable farmers, turf growers, operators of golf courses, and ornamental crop growers; advertising and labeling; management of inventory to provide a reliable supply; establishing markets and matching the product to customers' desires and needs; maintaining consistent product quality for such factors as stability, color, texture, odor, pH, and man-made inerts; competitive pricing with other composts and soil amendments, such as topsoil and peat moss; transportation costs; bagging versus bulk sales; and removal of end-product compost that cannot be used in the expected manner because it does not meet the general use compost standards due to changes in market conditions.

- d) Landscape waste shall be processed within five days of receipt into windrows or other piles which promote proper conditions for composting. Incoming leaves, brush or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent, rather than being processed into windrows or other piles.

- e) The facility shall be designed and constructed so that runoff is diverted around the composting area. The runoff from the facility resulting from precipitation less than or equal to the 10 year, 24 hour precipitation event shall be controlled so as not to cause or contribute to a violation of the Act.

- f) The facility shall be constructed and maintained to have an accessible clear space between windrows or other piles, suitable for housekeeping operations, visual inspection of piling areas and fire fighting operations.

- g) General use compost, if offered for sale or use, must meet the performance standards set forth in Section 830.503.

- h) Reporting Requirements.

- 1) The operator of any facility required, pursuant to 35 Ill. Adm. Code 831, to have a permit shall submit a WRITTEN ANNUAL STATEMENT TO THE AGENCY, on a form provided by the Agency, ON OR BEFORE APRIL 1 OF EACH YEAR THAT INCLUDES:

- A) AN ESTIMATE OF THE AMOUNT OF MATERIAL, IN TONS, RECEIVED FOR COMPOSTING in the previous calendar year (Section 39(m) of the Act); and
- B) An estimate of the amount and disposition of compost material (i.e., end-product compost,



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

chipped/shredded brush) in the previous calendar year.

- 2) For any permit-exempt facility composting over 100 cubic yards of landscape waste per year, a report shall be filed by April 1st of each year with the Agency, on a form provided by the Agency, stating, at a minimum, the facility location, an estimate of the amount of material, in cubic yards or tons, received for composting in the previous calendar year, and the total amount of end-product compost still on-site, used or sold during the previous calendar year.

#### Closure.

- 1) Unless otherwise authorized in a facility permit, all landscape waste, composting material, end-product compost, and additives shall be removed from the facility within 180 days following the beginning of closure.
- 2) An operator of a facility regulated under this Subpart shall close the facility in a manner which:
  - A) Minimizes the need for further maintenance; and
  - B) Controls, minimizes or eliminates the release of landscape waste, landscape waste constituents, landscape waste leachate, and composting constituents to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.
- 3) By April 1 of the year following completion of closure, the operator of a facility required to report pursuant to subsection (h)(2) of this Section shall file a report with the Agency verifying that closure was completed in accordance with this Section in the previous calendar year.

Section 830.203 Location Standards for Landscape Waste Compost Facilities  
Except as otherwise provided at Section 830.201(b), the landscape waste compost facility shall comply with the following:

- a) The composting area of the facility must include A SETBACK OF AT LEAST 200 FEET FROM THE NEAREST POTABLE WATER SUPPLY WELL. (Section 39(m) of the Act.)
- b) The composting area of the facility must be LOCATED OUTSIDE THE BOUNDARY OF THE 10-YEAR FLOODPLAIN OR THE SITE SHALL BE FLOODPROOFED. (Section 39(m) of the Act.)
- c) The composting area of the facility must be LOCATED SO AS TO MINIMIZE INCOMPATIBILITY WITH THE CHARACTER OF THE SURROUNDING AREA, INCLUDING AT LEAST A 200 FOOT SETBACK FROM ANY RESIDENCE, AND IN THE CASE OF A FACILITY THAT IS DEVELOPED OR THE PERMITTED COMPOSTING AREA OF WHICH IS EXPANDED AFTER NOVEMBER 17, 1991, THE COMPOSTING AREA shall be LOCATED AT LEAST 1/8 MILE FROM THE NEAREST RESIDENCE (OTHER THAN A RESIDENCE LOCATED ON THE SAME

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

PROPERTY AS THE FACILITY). (Section 39(m) of the Act.) If, at the time the facility permit application is deemed complete by the Agency pursuant to 35 Ill. Adm. Code 832, the composting area of the facility is located within 1/4 mile of the nearest off-site residence or within 1/2 mile of the nearest platted subdivision containing a residence, or if more than 10 residences are located within 1/2 mile of the boundaries of the facility, an additional standard, set forth in Section 830.205(a)(2)(B), shall apply to help minimize incompatibility with the character of the surrounding area. The Agency may determine that the additional standards of 830.205(a)(2)(B) apply to composting areas of other facilities considering population density, prevailing winds, facility size, proposed capacity, and topography.

d) The composting area of the facility must be designed to PREVENT ANY COMPOST MATERIAL FROM BEING PLACED WITHIN 5 FEET OF THE WATER TABLE, TO ADEQUATELY CONTROL RUNOFF FROM THE SITE, AND TO COLLECT AND MANAGE ANY landscape waste LEACHATE THAT IS GENERATED ON THE SITE. (Section 39(m) of the Act.) Compliance with the water table distance requirement may be demonstrated by either of the following means:

- 1) Using published water table maps or other published documentation to establish the location of the water table in relation to site elevation; or
  - 2) Actual measuring of the water table elevation at least once per month for three consecutive months.
- e) The facility must meet all requirements under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).
- f) The facility must not restrict the flow of a 100-year flood, result in washout of landscape waste from a 100-year flood, or reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as lagoons, holding tanks, or provision of drainage around structures at the facility.
- g) The facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:
- 1) An irreplaceable historic or archaeological site has been listed pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act (20 ILCS 3410);
  - 2) A natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or
  - 3) A natural area has been designated as a Dedicated Illinois Nature Preserve pursuant to the Illinois Natural Areas Preservation Act (525 ILCS 30).
- h) The facility must not be located in any area where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

critical habitat for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act (16 U.S.C. 1531 et. seq.), or the Illinois Endangered Species Protection Act (520 ILCS 10).

#### Section 830.204 Additional Stormwater and Landscape Waste Leachate Controls at Landscape Waste Compost Facilities

In addition to the leachate control requirement set forth in Section 830.202(e), landscape waste compost facilities must comply with the following:

- a) Stormwater or other water which comes into contact with landscape waste received, stored, processed or composted, or which mixes with landscape waste leachate, must be considered landscape waste leachate and must be collected and reused in the process, properly disposed of off-site, or treated as necessary prior to discharge off-site to meet applicable standards of 35 Ill. Adm. Code Subtitle C.
- b) Ponding of landscape waste leachate within the facility shall be prevented, except to the extent done by design and approved in writing by the Agency or facility permit.
- c) Soil surfaces used for composting must be allowed to dry periodically in order to promote aerobic conditions in the soil subsurface.

#### Section 830.205 Additional Operating Standards for Landscape Waste Compost Facilities

Landscape waste compost facilities must comply with the following operating standards, in addition to those set forth in Sections 830.202 and 830.204:

- a) Composting Process
  - 1) Landscape waste compost facilities shall meet the following composting process standards:
    - A) Landscape waste shall be processed within 24 hours of receipt at the facility into windrows, other piles or a contained composting system providing proper conditions for composting. Incoming leaves, and brush or woody landscape waste, may be stored in designated areas for use as a carbon source and bulking agent, if so provided in an operating plan or as a permit condition, rather than being processed in windrows or other piles.
    - B) If the location of the facility is such that additional standards are required, pursuant to Section 830.203(c), to help minimize incompatibility with the character of the surrounding area, then landscape waste shall be processed by the end of the operating day on which the landscape waste is received into windrows, other piles or a contained composting system providing proper conditions for composting.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- C) Unless the facility is designed for anaerobic composting, the operator shall take measures to adjust the oxygen level, as necessary, to promote aerobic composting. Aeration intensity shall be altered to suit the varying oxygen requirements that different landscape wastes may have.
  - D) The operator shall take measures to maintain the moisture level of the composting material within a range of 40% to 60% on a dry weight basis.
  - E) The staging area shall be adequate in size and design to facilitate the unloading of landscape waste from delivery vehicles and the unobstructed maneuvering of vehicles and other equipment.
  - F) Neither landscape waste nor composting material shall be mixed with end-product compost ready to be sold or offered for use. This prohibition shall not apply to the use of end-product compost as an amendment to composting material.
  - G) The facility shall have sufficient equipment and personnel to process incoming volumes of landscape waste accepted within the time frames required in this Section, and sufficient capacity to handle projected incoming volumes of landscape waste.
  - H) The operator shall obtain written authorization from the Agency to use any additive, other than water, prior to its use. Unless otherwise authorized any additive, or combination of additives, other than water, must not exceed 10%, by volume, of the composting material.
- 2) An operator of a landscape waste compost facility using an open composting process shall turn each windrow or other pile at least four times per year and not less than once every six months. This provision does not apply to composting systems designed for anaerobic conditions.
  - 3) An operator of a landscape waste compost facility using a contained composting process shall have mechanisms to control moisture, air flow and air emissions. These mechanisms shall be operated and maintained throughout the landscape waste composting process as specified in an operating plan or as a permit condition in any permit required pursuant to 35 Ill. Adm. Code 831.
  - 4) Operators of facilities required to process composting material to further reduce pathogens shall comply with the applicable thermal processing requirement among the following:
    - A) If the facility uses a windrow composting process, during a 15 consecutive day period the temperature throughout each windrow shall be maintained at 55°C or greater and, during the same period, each windrow



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

shall be turned a minimum of 5 times

B) If the facility uses an aerated static pile composting process, the composting material shall be covered with 6 to 12 inches of insulating material, and the temperature throughout each pile material shall be maintained at 55°C or greater for 3 consecutive days; and

C) If the facility uses an in-vessel composting process, the temperature of the composting material throughout the mixture shall be maintained at 55°C or greater for 3 consecutive days.

## b) Composting Surface

## 1) Open Composting Processes

A) Composting areas shall be located on relatively impermeable soils, as demonstrated either by actual measurement or subject to an early detection and groundwater monitoring program, pursuant to subsection (m)(4) of this Section.

B) The composting surface shall be constructed and maintained to allow:

- i) Diversion of runoff waters away from the landscape waste and compost;
- ii) Management of runoff waters and landscape waste leachate in accordance with Section 830.204; and
- iii) Facility operation during all weather conditions.

C) The surface of the landscape waste composting area of the facility shall be sloped at two percent or greater unless an alternative water management system to promote drainage and to prevent surface water ponding is approved in the facility permit, or authorized in writing by the Agency.

## 2) Contained Composting Processes

A) Composting areas at facilities at which composting material or leachate comes into contact with an open surface shall be:

- i) Located on relatively impermeable soils, as demonstrated by actual measurement; or
- ii) Subject to an early detection and groundwater monitoring program, pursuant to subsection (m)(4) of this Section.

B) The composting surface must support all structures and equipment.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

c) Utilities. All utilities necessary for safe operation in compliance with the requirements of this Part, including, but not limited to, lights, power, water supply and communications equipment, must be available at the facility at all times.

d) Maintenance. The operator shall maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with the requirements of this Part. If a breakdown of equipment occurs, standby equipment shall be used or additional equipment brought on site as necessary to comply with the requirements of this Part and any pertinent permit conditions.

e) Open Burning. Open burning is prohibited except in accordance with 35 Ill. Adm. Code 200 through 245.

f) Dust Control. The operator shall implement methods for controlling dust in accordance with Subparts B and K of 35 Ill. Adm. Code 212.

g) Noise Control. The facility shall be designed, constructed, operated and maintained so as not to cause or contribute to a violation of 35 Ill. Adm. Code 900 through 905 or of Section 24 of the Act.

h) Vector Control. Insects, rodents, and other vectors shall be controlled so as not to cause or contribute to a violation of the Act.

i) Fire Protection. The operator shall institute fire protection measures including, but not limited to, maintaining a supply of water and radio or telephone access to the nearest fire department. Fire extinguishers shall be provided at two separate locations within the facility.

j) Litter Control. The operator shall control litter at the facility. At a minimum:

- 1) The operator shall patrol the facility daily to check for litter accumulation. All litter shall be collected in a secure container for later disposal; and
- 2) Litter shall be confined to the property on which the facility is located. At the conclusion of each day of operation, any litter strewn beyond the confines of the facility shall be collected and disposed of at a facility approved to receive such waste in accordance with the applicable Board regulations.

k) Management of Non-compostable Wastes. The operator shall develop management procedures for collection, containment and disposal of non-compostable wastes received at the facility. Disposal shall be at a facility approved to receive such waste in accordance with applicable Board regulations at 35 Ill. Adm. Code 810 through 815.

l) Mud Tracking. The operator shall implement measures, such as the use of wheel washing units or rumble strips, to prevent tracking of mud by delivery vehicles onto public roadways.

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## NOTICE OF PROPOSED RULES

## m) Monitoring

## 1) For batch, windrow and pile systems:

- A) The temperature of each batch, windrow or pile of composting material shall be monitored on a weekly basis;
- B) The moisture level in each batch, windrow or pile of composting material shall be monitored once every two weeks; and
- C) For aerobic composting, the oxygen level of each batch, windrow or pile of composting material shall be monitored weekly.

## 2) For in-vessel continuous feed systems:

- A) The temperature of the composting material shall be monitored daily;
- B) The moisture of the composting material shall be monitored daily, unless otherwise authorized by the Agency in a facility permit; and
- C) For aerobic composting by means of an in-vessel continuous feed system, the oxygen level of the composting material shall be monitored daily.

- 3) Early detection and groundwater monitoring, if required pursuant to Section 830.205(b)(1)(A) or Section 830.205(b)(2)(A), shall be done in accordance with 35 Ill. Adm. Code 830. Appendix A.

## Section 830.206 Operating Plan for Landscape Waste Compost Facilities

All activities associated with composting must be conducted in accordance with an operating plan containing, at a minimum, the following information:

- a) Designation of personnel, by title, responsible for operation, control and maintenance of facility;
- b) A description of the anticipated quantity and variation throughout the year of waste to be received;
- c) Methods for measuring incoming waste;
- d) Methods to control the types of waste received, in accordance with Section 830.209, and methods for removing, recovering and disposing of non-compostables, in accordance with Sections 830.205(k), 830.207 and 830.209;
- e) Methods to control traffic and to expedite unloading in accordance with Section 830.205(a)(1)(E);
- f) Management procedures that will be used in composting, which must include:

- 1) A description of any treatment the wastes will receive prior to windrowing (e.g., chipping, shredding) and the maximum length of time required to process each day's receipt of waste into windrows;
  - 2) The specifications to which the windrows will be constructed (width, height, and length) and calculation of the capacity of the facility;
  - 3) A list of additives, including the type, amount and origin, that will be used to adjust moisture, temperature, oxygen transfer, pH, carbon to nitrogen ratio, or biological characteristics of the composting material, and rates and methods of application of such additives; and
  - 4) An estimate of the length of time necessary to complete the composting process.
- g) Methods to minimize odors. The operating plan must include:
- 1) A management plan for bad loads;
  - 2) Specification of a readily-available supply of bulking agents, additives or odor control agents;
  - 3) A demonstration that the processing and management of anticipated quantities of landscape waste can be accomplished during all weather conditions;
  - 4) Procedures for receiving and recording odor complaints, investigating immediately in response to any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility;
  - 5) Procedures for avoiding delay in processing grass clippings and other succulent material;
  - 6) Methods for taking into consideration the following factors prior to turning or moving composting material:
    - A) Time of day;
    - B) Wind direction;
    - C) Percent moisture;
    - D) Estimated odor potential; and
    - E) Degree of maturity.
  - 7) Additional odor-minimizing measures, which may include the following:
    - A) Avoidance of anaerobic conditions in the composting material;
    - B) Use of mixing for favorable composting conditions;



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- C) Formation of windrows or other piles into a size and shape favorable to minimizing odors; and
- D) Use of end-product compost as cover to act as a filter during early stages of composting.

h) Methods to control stormwater and landscape waste leachate, in accordance with Section 830.204;

i) Methods to control noise, vectors and litter, in accordance with Section 830.205;

j) Methods to control dust emissions, in accordance with Section 830.205(f), which must include:

- 1) Consideration of the following factors prior to turning or moving the composting material:

- A) Time of day;

- B) Wind direction;

- C) Percent moisture;

- D) Estimated emission potential; and

- E) Degree of Maturity; and

- 2) Maintenance of roads, wetting of roads, use of dust control agents, or any combination of these methods;

k) Methods for monitoring temperature, oxygen level and moisture level of the composting material, in accordance with Section 830.205(m);

l) Methods for adjusting temperature, oxygen level and moisture level of the composting material, in accordance with Section 830.205(a);

m) Recordkeeping and reporting procedures required pursuant to Section 830.211;

n) Methods to obtain composite samples and test end-product compost to demonstrate compliance with Subpart E of this Part; and

o) PLANS FOR INTENDED PURPOSES OF END-product compost (Section 22.33(a)(4) of the Act).

## Section 830.207 Salvaging at Landscape Waste Compost Facilities

a) Salvaging operations must not interfere with the operation of the landscape waste facility or result in a violation of any standard in this Part.

b) All salvaging operations shall be performed in a safe and sanitary manner in compliance with the requirements of this Part.

c) Salvageable materials:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 1) May be accumulated on-site by the operator, provided they are managed so as not to create a nuisance, harbor vectors, cause malodors, or create an unsightly appearance; and
- 2) Shall not be accumulated in a manner meeting the definition of a waste pile.

## Section 830.208 Access Control at Landscape Waste Compost Facilities

a) The operator shall implement controls to limit unauthorized access, in order to prevent random dumping and to ensure safety at the facility.

b) The facility must have a permanent sign posted at the entrance specifying:

- 1) The name and mailing address of the operation;
- 2) The operating hours;
- 3) The name and telephone number of the operator; and
- 4) Materials which can be accepted.

## Section 830.209 Load Checking at Landscape Waste Compost Facilities

a) Each load shall be inspected, upon receipt, for its acceptability at the facility and shall be visually checked, prior to processing, for noncompostable waste.

b) The facility shall reject unacceptable loads.

## Section 830.210 Personnel Training for Landscape Waste Compost Facilities

a) The operator shall provide training to all personnel prior to initial operation of a composting facility. In addition, annual personnel training shall be provided, which must include, at a minimum, a thorough explanation of the operating procedures for both normal and emergency situations.

b) New employees shall be trained, prior to participating in operations at the facility, in facility operations, maintenance procedures, and safety and emergency procedures relevant to their employment.

c) The operator shall have personnel sign an acknowledgement stating that they have received the training required pursuant to this Section.

d) The facility operating plan required pursuant to Section 830.206 shall be made available and explained to all employees.

## Section 830.211 Recordkeeping for Landscape Waste Compost Facilities

a) Copies of the facility permit, if required, design plans,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

operating plan, and any required reports shall be kept at the facility, or at a definite location specified in the operating plan or permit as applicable, so as to be available during inspection of the facility.

b) The operator shall record the following information:

- 1) The quantity of each load of landscape waste received;
- 2) The origin, type and quantity of any additive accepted, when received at the facility;
- 3) The type and quantity of any additive used in the composting process (water added during composting need not be quantified), as quantified based on a monthly review of additives remaining;
- 4) The dates of turning of each windrow or other pile;
- 5) All monitoring data required pursuant to a facility permit;
- 6) Conditions evaluated pursuant to Section 830.206;
- 7) For any odor complaint received, the date and time received, the name of complainant, the address and phone number of complainant, if volunteered upon request, and the name of the personnel receiving the complaint;
- 8) The date, time, and nature of any action taken in response to an odor complaint;
- 9) Details of all incidents that require implementation of the facility's contingency plan, in accordance with Section 830.212, and methods used to resolve them;
- 10) Records pertaining to sampling and testing, as follows:

- A) Locations in the composting area from which samples are obtained;
- B) Number of samples taken;
- C) Volume of each sample taken;
- D) Date and time of collection of samples;
- E) Name and signature of person responsible for sampling;
- F) Name and address of the laboratory receiving samples, if applicable; and
- G) Signature of the person responsible for sample analysis.

11) The daily quantity of each type of end-product compost removed from the facility, according to end-product compost classification provided in Subpart E of this Part; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

12) Verification that requisite personnel training has been done, in accordance with Section 830.210.

c) The operator shall keep dated copies of the end-product compost analyses required pursuant to Section 830.504.

d) The records required pursuant to this Section shall be made available during normal business hours for inspection and photocopying by the Agency. Such records shall be kept for a period of three years, subject to extension upon written request by the Agency and automatic extension during the course of any enforcement action relating to the facility. Records shall be sent to the Agency upon request.

## Section 830.212 Contingency Plan for Landscape Waste Compost Facilities

a) A contingency plan shall be established, addressing the contingencies set forth in Section 830.202(c) and the following additional contingencies:

- 1) Equipment breakdown;
  - 2) Odors;
  - 3) Unacceptable waste delivered to the facility;
  - 4) Groundwater contamination;
  - 5) Any accidental release of special waste; and
  - 6) Conditions such as fires, dust, noise, vectors, power outages and unusual traffic conditions.
- b) The facility contingency plan must be available on-site and implemented as necessary.

## Section 830.213 Closure Plan for Landscape Waste Compost Facilities

a) A written closure plan shall be developed which contains, at a minimum, the following:

- 1) Steps necessary for the premature final closure of the facility under circumstances during its intended operating permit term when the cost of closure would be the greatest;
- 2) Steps necessary for, and a schedule for the completion of, the routine final closure of the facility at the end of its intended operating life; and
- 3) Steps necessary to prevent damage to the environment during temporary suspension of landscape waste acceptance if the operating plan or, for permitted facilities, the facility permit allows temporary suspension of landscape waste acceptance at the facility without initiating final closure.

b) Until completion of closure has been certified, the operator shall maintain a copy of the closure plan at the facility or at a definite location, specified in the operating plan, or for



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

permitted facilities, in the facility permit, so as to be available during inspection of the facility.

- c) An operator of a facility shall develop and file a revised closure plan upon modification of the operations of the facility which affect the cost of closure of the facility or any portion thereof, which include, but are not limited to:

- 1) A temporary suspension of landscape waste acceptance at the facility; or
- 2) An increase in the design capacity at the facility to process landscape waste.

- d) The operator shall initiate implementation of the closure plan within 30 days following the beginning of closure.

- e) Not later than 30 days following the beginning of closure, the operator shall post signs, easily visible at all access gates leading into the facility. The text of such signs must read, in letters not less than three inches high: "This facility is closed for all composting activities and all receipt of landscape waste materials. No dumping allowed. Violators will be prosecuted." Such signs shall be maintained in legible condition until certification of completion of closure is issued for the facility by the Agency.

- f) Notice of Closure. The operator shall send notice of closure to the Agency within 30 days following the beginning of closure. A compost closure report shall be submitted to the Agency, on a form provided by the Agency, which shall cover the time elapsed since the end of the last annual report period.

- g) Certificate of Completion of Closure.

- 1) Upon completion of closure, the operator shall prepare and submit to the Agency an affidavit, on a form provided by the Agency, stating that the facility has been closed in accordance with the closure plan.

- 2) Upon finding that the facility has been closed in accordance with the closure plan, the Agency shall issue a certificate of completion of closure and shall terminate the facility permit.

- h) The operator of a permitted facility shall maintain financial assurance as provided in Subpart F.

## SUBPART E: QUALITY OF END-PRODUCT COMPOST

## Section 830.501 Scope and Applicability

- a) END-PRODUCT COMPOST USED AS DAILY COVER OR VEGETATIVE AMENDMENT IN THE FINAL LAYER of a landfill is exempt from the requirements set forth in this Subpart. (Section 22.33(c), of the Act.)

- b) The provisions set forth in Sections 830.502, 830.503, and 830.507 of this Subpart apply to all end-product compost subject to this

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## Part.

- c) In addition, the provisions set forth in Sections 830.504 and 830.508 apply to all end-product compost derived from landscape waste and subject to this Part.

## Section 830.502 Compost Classes

For the purpose of this Part, end-product compost shall be classified in the following manner:

- a) General Use Compost: End-product compost which meets the standards set forth in Section 830.503.

- b) Designated Use Compost: End-product compost which does not qualify as general use end-product compost. Designated use compost shall be used only AS DAILY COVER OR VEGETATIVE AMENDMENT IN THE FINAL LAYER at a landfill. (Section 22.33(c), of the Act.)

## Section 830.503 Performance Standards for General Use Compost

## General-use compost:

- a) Must be free of any materials which pose a definite hazard to human health due to physical characteristics, such as glass or metal shards;
- b) Must not contain man-made materials larger than four millimeters in size exceeding 1% of the end-product compost, on a dry weight basis;
- c) Must have a pH between 6.5 and 8.5;
- d) Must have reached stability, as demonstrated by one of the methods prescribed in Section 830.Appendix B;
- e) Must not contain fecal coliform populations that exceed 1000 MPN per gram of total solids (dry weight basis), or Salmonella species populations that exceed 3 MPN per 4 grams of total solids (dry weight basis); and
- f) Must not exceed, on a dry weight basis, the inorganic concentrations set forth in Section 830.Table A.

## Section 830.504 Testing Requirements for End-Product Compost Derived from Landscape Waste

- a) Operators shall perform testing to demonstrate compliance with the standards set forth in subsections (b) - (d) of Section 830.503. Such testing shall be done in accordance with the methods set forth in Section 830.Appendix B, except that an alternative method or methods may be used to demonstrate compliance with any of these standards, if approved in writing by the Agency.

- b) Operators of facilities which are authorized to use an additive pursuant to Section 830.205(a)(1)(H) which may cause an exceedance of Section 830.203(e) shall test for pathogens using the method set forth in Section 830.Appendix B, except that an alternative

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

method or methods may be used to demonstrate compliance with any of these standards, if approved in writing by the Agency.

- c) No testing need be done to demonstrate compliance with the inorganics standards set forth in Section 830.503 Table A for general use compost derived from landscape waste, except as provided in subsection (e) of this Section.

- d) End-product compost derived from landscape waste must be tested for the parameters set forth in Section 830.503 at a frequency of:

- 1) Once every 5,000 cubic yards of end-product compost transported off-site; or
- 2) Once per year, if less than 5,000 cubic yards of end-product compost are transported off-site per year.

## Section 830.507 Sampling Methods

Sample collection, preservation, and analysis must be done in a manner which assures valid and representative results. A composite sample shall be prepared by one of the following methods:

- a) Twelve grab samples, each 550 milliliters in size, shall be taken from the end-product compost at the facility, in the following manner:

- 1) Four grab samples from points both equidistant throughout the length and at the center of the windrow or other pile, at a depth not less than one meter from the surface of the windrow or other pile;
- 2) Four grab samples from points both equidistant throughout the length and one quarter the width of windrow or other pile, at a depth not less than half the distance between the surface and the bottom of the windrow or other pile; and
- 3) Four grab samples from points both equidistant throughout the length and one eighth the width of the windrow or other pile, at a depth not less than half the distance between the surface and the bottom of the windrow or other pile.

The twelve grab samples shall be thoroughly mixed to form a homogenous composite sample. Analyses shall be of a representative subsample. The sample holding times, sample container types and minimum collection volumes listed in Section 830.503 Table B shall apply; or

- b) Sampling methods set forth in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), incorporated by reference at 35 Ill. Adm. Code 830.103.

## Section 830.508 Off-Specification Compost

End-product compost derived from landscape waste which does not meet the standards for general use compost set forth in this Subpart must be further managed as landscape waste or as designated use compost.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## SUBPART F: FINANCIAL ASSURANCE

## Section 830.601 Scope and Applicability

- a) This Subpart provides procedures by which the operator of any composting facility required, pursuant to 35 Ill. Adm. Code 831, to have a permit shall demonstrate compliance with the financial assurance plan requirement set forth in Sections 22.33, 22.34 and 22.35 of the Act.

- b) The operator is not required to comply with the provisions of this Subpart if the operator demonstrates that:

- 1) Closure and post-closure care plans filed pursuant to 35 Ill. Adm. Code 724, 725, 807 or 811 will result in closure of the facility in accordance with the requirements of this Part; and

- 2) The operator has provided financial assurance adequate to provide for such closure and post-closure care pursuant to 35 Ill. Adm. Code 724, 725, 807 or 811.

## Section 830.602 Financial Assurance Plan

The operator shall develop and have at the facility, and submit to the Agency in accordance with 35 Ill. Adm. Code 831.212, a financial assurance plan containing, at a minimum, the following information:

- a) A written cost estimate, determined pursuant to Section 830.603, covering the maximum cost of premature final closure; and
- b) The financial mechanism chosen by the operator to comply with the requirement set forth in Section 830.604(a).

## Section 830.603 Written Cost Estimate

- a) The written cost estimate required pursuant to Section 830.602(a) must be based on the steps necessary to complete closure in accordance with Section 830.213, and must include an itemization of the cost to complete each step.

- b) The operator shall revise the current cost estimate whenever a change in the closure plan increases the cost estimate.

## Section 830.604 Financial Assurance Fund

- a) The operator shall maintain financial assurance equal to or greater than the amount provided as a written cost estimate in the financial assurance plan.

- b) The funds comprising financial assurance shall be used to cover the cost of closure.

- c) Upon certification of completion of closure, any financial assurance funds remaining shall be made available for unrestricted use.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## Section 830.605 Financial Assurance Mechanism

- a) The operator may utilize either of the following mechanisms to comply with Section 830.604:

- 1) A cash reserve fund; or
  - 2) Self-insurance.
- b) An operator choosing to use a cash reserve account as the mechanism by which to comply with Section 830.604 shall:

- 1) Fully fund the account within one year of the initial receipt of waste, except that facilities in operation on the effective date of this Part shall fully fund the account within one year of the effective date; and
  - 2) Thereafter maintain full funding pending the expenditure of such funds to cover the costs of closure.
- c) An operator choosing to use self-insurance as the mechanism by which to comply with subsection (a) of this Section shall have:

- 1) Net working capital and tangible net worth each at least six times the current cost estimate;
- 2) Tangible net worth of at least \$10 million;
- 3) Assets in the United States amounting to at least 90 percent of the operator's total assets and at least six times the current cost estimate; and

- 4) Either:

A) Two of the following three ratios: a ratio of total liabilities to net worth of less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities of greater than 0.1; or a ratio of current assets to current liabilities of greater than 1.5; or

B) A current rating of AAA, AA, A or BBB for its most recent bond issuance, as issued by Standard and Poor, or a rating of Aaa, Aa, A or Bbb, as issued by Moody.

## Section 830.606 Financial Assurance Certification

The operator shall submit to the Agency, one year from the effective date of this Part and thereafter as part of the annual report, a Composting Facility Financial Assurance Plan Compliance Certification, so titled, which contains the following information:

- a) Operator name;
- b) Illinois Inventory Identification Number and Permit Number assigned by the Agency;
- c) Facility name;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- d) Address and county in which the facility is located; and
- e) A statement certifying compliance with the provisions of this Subpart.

## Section 830. Table A: Inorganic Concentration Limits for General Use Compost

	Maximum Concentration Limit (mg/kg dry weight basis)	Test Method (SW-846)
Arsenic	41	7060 or 7061
Cadmium	21	7130 or 7131
Chromium	1,200	7190 or 7191
Copper	1,500	7210 or 7211
Lead	300	7420 or 7421
Mercury	17	7471
Molybdenum	50	7480 or 7481
Nickel	420	7520 or 6010
Selenium	36	7740 or 7741
Zinc	2,800	7950 or 7951

## Section 830. Table B: Sampling and Handling Requirements

Parameter	Container Type	Minimum Sample Size (ml)	Preservation	Maximum Storage Time
Man-made materials	P, G	1,000	Do not freeze	28 days
pH	P, G	50	Analyze immediately	
Seed				
Germination P, G		1,000	Analyze immediately	
Self-heating	P, G	4,000	Analyze immediately	
Pathogens	P, G	500	Cool to 4° C	2 weeks
Inorganic	P(A), G(A)	500	Cool to 4° C	6 months

P = plastic; G = glass; G(A), P(A) = rinsed with acid cleaning solution (1 part water to 1 part concentrated HNO<sub>3</sub>)

## Section 830. Table C: Seed Germination Record Sheet

Date Test Initiated:

Date Test Read:

Person responsible for test:

% Germination

Blend Pot ID	Annual Ryegrass Seedlings	Number of Radish Seedlings
A		
A <sub>1</sub>		
A <sub>2</sub>		
A <sub>3</sub>		
A <sub>4</sub>		

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

B  
B  
B  
B  
C  
C  
C  
C

## Annual Ryegrass

$$\text{Blend A} = \frac{(A_1 + B_2 + A_3 + A_4)/4 \times 100\%}{(C_1 + C_2 + C_3 + C_4)/4} = \text{ } \% \text{ Germination}$$

$$\text{Blend B} = \frac{(B_1 + B_2 + B_3 + B_4)/4 \times 100\%}{(C_1 + C_2 + C_3 + C_4)/4} = \text{ } \% \text{ Germination}$$

## Radish

$$\text{Blend A} = \frac{(A_1 + A_2 + A_3 + A_4)/4 \times 100\%}{(C_1 + C_2 + C_3 + C_4)/4} = \text{ } \% \text{ Germination}$$

$$\text{Blend B} = \frac{(B_1 + B_2 + B_3 + B_4)/4 \times 100\%}{(C_1 + C_2 + C_3 + C_4)/4} = \text{ } \% \text{ Germination}$$

## General Plant Conditions

BLEND A  
Condition

Pots	Seedling	Parameter	None	Slight	Moderate	High
A <sub>1</sub> - A <sub>4</sub>	Ryegrass	Wilting				
A <sub>1</sub> - A <sub>4</sub>	Ryegrass	Chlorosis				
A <sub>1</sub> - A <sub>4</sub>	Ryegrass	Discoloration				
A <sub>1</sub> - A <sub>4</sub>	Ryegrass	Malodorous				
A <sub>1</sub> - A <sub>4</sub>	Ryegrass	Fungal Growth				

## Other Comments:

BLEND B  
Condition

Pots	Seedling	Parameter	None	Slight	Moderate	High
B <sub>1</sub> - B <sub>4</sub>	Ryegrass	Wilting				
B <sub>1</sub> - B <sub>4</sub>	Ryegrass	Chlorosis				
B <sub>1</sub> - B <sub>4</sub>	Ryegrass	Discoloration				
B <sub>1</sub> - B <sub>4</sub>	Ryegrass	Malodorous				
B <sub>1</sub> - B <sub>4</sub>	Ryegrass	Fungal Growth				

## Other Comments:

BLEND C  
Condition

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Pots	Seedling	Parameter	None	Slight	Moderate	High
C <sub>1</sub> - C <sub>4</sub>	Ryegrass	Wilting				
C <sub>1</sub> - C <sub>4</sub>	Ryegrass	Chlorosis				
C <sub>1</sub> - C <sub>4</sub>	Ryegrass	Discoloration				
C <sub>1</sub> - C <sub>4</sub>	Ryegrass	Malodorous				
C <sub>1</sub> - C <sub>4</sub>	Ryegrass	Fungal Growth				

## Other Comments:

## General Conclusion on the Stability of the Compost tested:

## Section 830. Appendix A: Early Detection and Groundwater Monitoring Program

The operator of a compost facility subject to the monitoring requirements of 35 Ill. Adm. Code 830.205(b)(1)(A) or 35 Ill. Adm. Code 830.205(b)(2)(A) shall implement an Agency-approved monitoring program using, at a minimum, the procedures and standards set forth in this Appendix.

## a) Program.

- 1) The operator shall perform a hydrogeologic site investigation pursuant to subsection (b) of this Section to characterize the subsurface and determine the location and quality of groundwater beneath the facility.
  - 2) An appropriate monitoring system shall be designed, capable of determining the compost facility's impact or potential impact on the quality of groundwater beneath the facility.
  - 3) If the water table is located greater than ten (10) feet below ground surface and the soil has been classified as a soil exhibiting moderate or poor drainage by the U.S. Department of Agriculture's Soil Conservation Service on a published county soil survey map, the owner of operator shall install either an early detection system, pursuant to subsection (d)(1) of this Section, or a groundwater monitoring system, pursuant to subsection (d)(2) of this Section. Otherwise, a groundwater monitoring system shall be installed, pursuant to subsection (d)(2) of this Section.
  - 4) If either early detection monitoring or groundwater monitoring indicates an impact on underground water beneath the facility, a site evaluation shall be performed, using the procedures set forth in subsection (e) of this Section, and remedial action implemented, if appropriate.
  - 5) The results of the hydrogeologic site investigation and the proposed monitoring system design shall be submitted to the Agency as part of an application for a facility permit.
- b) Hydrogeologic Site Investigation. The operator shall conduct a hydrogeologic site investigation to obtain the following information:
- 1) The regional hydrogeologic setting of the facility, using material available from Illinois scientific surveys, state and federal organizations, water well drilling logs and previous investigations. A complete list of references and any well logs utilized shall be submitted to the Agency with the results of the



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## hydrogeologic site investigation;

2) The site-specific hydrogeologic setting of the facility, using continuously sampled borings of the site and information collected from on-site piezometers or monitoring wells. At a minimum, borings must be to a depth of ten (10) feet;

3) Soil characteristics, including soil types and physical properties of the underlying strata, including the potential pathways for contaminant migration. Any confining unit relative to waste constituents expected to be present shall be identified;

4) Water-bearing sediments or geologic units beneath the facility, their classification pursuant to 35 Ill. Adm. Code 620 and the direction and rate of groundwater flow. Also, regional and local areas of groundwater discharge and recharge affecting groundwater at the facility shall be identified; and

5) Water quality beneath the facility, including any potential impact on groundwater. The groundwater quality analysis must take into account the type of compost facility and its expected leachate constituents.

c) All drill holes, including exploration borings that are not converted into monitoring wells, monitoring wells that are no longer necessary to the operation of the facility, and other holes that may cause or facilitate contamination of groundwater, shall be sealed in accordance with the standards of 35 Ill. Adm. Code 811.316.

## d) Monitoring System

1) Early Detection System

A) Monitoring device(s) shall be installed:

i) Hydraulically upgradient from the facility or at sufficient distance from the composting area so as not to be affected by it, to establish representative background water quality in the waters beneath (or near) the facility; and

ii) Beneath and around the composting area, sufficient to enable early detection of the downward migration of constituents related to the composting activities at the facility.

B) The parameters monitored shall be those expected to be in the leachate, taking into consideration the type of compost facility.

C) If lysimeters are utilized, the following requirements shall be used in designing an adequate monitoring system;

i) Lysimeters shall be located, when possible, in a depression in the path of site runoff in each direction of flow and topographically low areas associated with the unit(s).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

ii) At a minimum, each lysimeter shall be sampled within 48 hours of each rain event exceeding 0.5 inches, provided that the rain event is not within two weeks after the date previous samples were successfully collected.

iii) Any lysimeter placed around the perimeter shall be installed at an angle so that the cup of the lysimeter is beneath the unit(s).

## 2) Groundwater Monitoring System

A) Monitoring well(s) shall be installed:

i) Hydraulically upgradient from the facility, to establish representative background water quality in the groundwater beneath (or near) the facility; and

ii) Hydraulically downgradient (i.e., in the direction of decreasing static head) from the compost facility. Locations and depths of monitoring wells must ensure detection of waste constituents that migrate from the waste management unit to the groundwater.

B) The parameters monitored shall be those expected to be in the leachate, taking into consideration the type of compost facility.

C) The groundwater monitoring system shall be installed at the closest practicable distance from the composting area boundary, or at an alternative distance specified by permit.

3) Approval of any early detection monitoring system or groundwater monitoring system shall be obtained from the Agency prior to operation.

## e) Evaluation

1) Further evaluation of an impact to underground water shall be required if:

A) An exceedence of the appropriate standard as stated in 35 Ill. Adm. Code 620 is confirmed;

B) A progressive increase in measured parameters other than pH is observed over two consecutive sampling events; or

C) Where groundwater monitoring wells are used, a statistical increase over background or upgradient concentrations, calculated in accordance with 35 Ill. Adm. Code 811.320(e), is observed.

2) An impact as described in subsection (e)(1)(A) or (e)(1)(C) of this Section shall be confirmed by resampling the underground water within 30 days of the date on which the first sample analyses are received. The operator shall provide notification to the Agency of the results of the resampling analysis within 30 days of the date on which the sample analyses are received, but no

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

later than 90 days after the first samples were taken.

- 3) Within 60 days of the confirmation of impact but no later than 120 days after the date on which the first sample was taken, the operator shall propose as a permit modification a plan to address the impact, which may include further evaluation of data, including the use of appropriate statistical methods, groundwater monitoring or remedial action.

## Section 830.APPENDIX B: Performance Test Methods

## a) Man-made materials

- 1) Take four 250 gram samples.
- 2) Dry samples at 70° C for 24 hours. Let sample cool to room temperature (20 to 25° C).
- 3) Weigh each sample and pass through a four millimeter screen. Inspect material remaining on the screen, and separate and weigh man-made materials. Calculate percent man-made materials relative to the total dry weight of the sample prior to screening.

## b) Pathogens

The end product compost shall be tested to demonstrate compliance with one of the pathogen reduction standards set forth in Section 830.503(e). Such testing shall be done in accordance with Standard Methods for the Examination of Water and Wastewater Part 9221 E or Part 9222 D, incorporated by reference at 35 Ill. Adm. Code 830.103, for fecal coliform, and Standard Methods for the Examination of Water and Wastewater Part 9260 D incorporated by reference at 35 Ill. Adm. Code 830.103, for *Salmonella* sp. bacteria.

## c) pH

The following protocol shall be used to determine the pH of the compost: North Central Regional Publication 221, Method 14; or EPA Method 9045 in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), both incorporated by reference at 35 Ill. Adm. Code 830.103.

## d) Stability

The operator shall demonstrate that the composite sample has reached stability by showing either:

- 1) That the compost does not reheat, upon standing, to greater than 20° C above room temperature (20 to 25° C). The degree of reheating shall be measured using the following method:

- A) Take 4 liters of composite sample and adjust the moisture of the end-product compost so it falls within the range of 45 to 55% water on a dry weight basis;
- B) Fill a 2 liter Dewar flask (100 millimeters, inside diameter) loosely with sample within acceptable moisture range and gently tap to simulate natural settling. Keep at

## ILLINOIS REGISTER

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

room temperature (20 to 25° C).

- C) Insert thermometer into Dewar flask to a point 5 centimeters from bottom of flask. Do not push thermometer against bottom of flask.
- D) Record time and temperature each day for 15 days to determine when the highest point is reached. After each reading, shake down the thermometer; or

- 2) That the end-product compost supports a germination rate of 70% for annual ryegrass and radish using the following protocol:

- A) Mix 4 liters vermiculite with 4 grams of air-dried soil.
- B) Take 1 liter of the composite sample with a moisture level within the range of 45 to 55 percent, on a dry weight basis; if necessary, adjust the moisture level until within such range.

- C) In three 2-liter containers, combine the vermiculite-soil mix with the compost sample at the following ratios:

Blend	Vermiculite-Soil Mix (45 to 55% moisture) (dry weight basis) (grams)	Compost (grams)
A (75% compost, w/w)	960	320
B (50% compost, w/w)	640	640
C (Control)	1,280	0

- D) Break up lumps of compost with a spatula or trowel. Moisten the blend with water.

- E) Cover each container with plastic wrap and mix well by inverting each container 20 times.

- F) Transfer each blend into four 4-inch pots. Fill the pots to the brim and firm the surface by pressing down with the bottom of another 4-inch pot. Leave about 2 to 5 centimeters of space between surface of the blend and the top of the pot.

- G) Add approximately 50 milliliters of water soluble fertilizer (e.g., 20-20-20 NPK, fish emulsion) diluted to half-strength to each pot.

- H) Place 10 seeds of annual ryegrass and 10 radish seeds onto the surface of the moistened blend. Cover the seeds with about 1 centimeter dry vermiculite.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- I) Set the pots in a tray of warm water and let them remain there until capillary action has drawn water up and moistened the surface of the blend. Remove the pots from the tray when moisture from the bottom-watering is observed.
- J) Put pots in an environment suitable for plant growth (e.g., 8 to 12 hours of light daily, 30 to 60% humidity, 20 to 25° C). Check pots daily to determine if watering is needed. Blends should be kept evenly moist. If necessary, cover each pot with plastic wrap until the seedlings emerge. Remove plastic wrap at the first sign of emergence.
- K) Seven days after planting the seeds, count emergent seedlings in each pot and record visual observations of relative plant conditions identified in Section 830. Table C.
- L) Calculate the percent germination of plants in each blend relative to the control pot, using the formula set forth in Section 830. Table C.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Developmental Disabilities Service
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Numbers: Proposed Action:
- |                           |           |
|---------------------------|-----------|
| 144.5                     | Amendment |
| 144.25, 144.50, 144.75    | Repeal    |
| 144.100, 144.105          | Repeal    |
| 144.125, 144.150, 144.175 | Amendment |
| 144.200, 144.205, 144.225 | Repeal    |
| 144.230                   | Amendment |
| 144.250                   | Repeal    |
| 144.275, 144.300, 144.325 | Amendment |
| 144. Table C              | Repeal    |

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13], and Public Act 87-996

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department of Public Aid's rules concerning services for persons with developmental disabilities, are intended to implement requirements under Public Act 87-996. The Act requires the transfer of supervision responsibility for programs and services in community care facilities for persons with developmental disabilities, to the Department of Mental Health and Developmental Disabilities (DMHDD), no later than June 30, 1994. Long term care facilities affected by these changes include, but are not limited to, Medicaid funded intermediate care facilities for the mentally retarded (ICF/MR).

The Act further requires DMHDD to enter into cooperative arrangements with appropriate State agencies for the administration of all State programs for persons in such facilities. These amendments reflect agreements specifying that the Department of Public Health (DPH) shall be responsible for the federally mandated Inspection of Care (IOC) surveys in affected facilities, and facility program reimbursement levels shall be determined by DMHDD in coordination with the Department of Public Aid which shall retain payment responsibility as the single State agency. Language is being added to several Sections of 89 Ill. Adm. Code 144 to specify the new roles of DMHDD and DPH in ICF/MR services. Sections addressing IOC criteria which is duplicative of DPH survey standards, are being proposed for repeal, while Sections 144.125, 144.150 and 144.275 containing reimbursement criteria and methodology have few proposed changes.

It is anticipated that the implementation of these proposed amendments will not result in any changes in Department expenditures.

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
144.5	Amendment	November 19, 1993, (17 Ill. Reg. 19841)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Long term care facilities for persons with developmental disabilities

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 11314



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Number: Proposed Action:

153.150

New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide a mechanism for reviewing and maintaining the quality of care delivered in Medicaid funded nursing facilities during a period of suspension of the Inspection of Care (IOC) program. The amendments are being filed in conjunction with the stabilization of reimbursement levels for long term care facilities for the period January 18, 1994 through June 30, 1995, which was implemented to ensure that the Medicaid liability of the Department to providers of long term care services could be met through Fiscal Year 1995, and to permit the Department to purchase long term care services in a prudent and cost effective manner.

Since the IOC program in nursing facilities is not federally mandated, and is not necessary for rate setting purposes during the rate maintenance period, nursing facility providers and the Department have reached an agreement to suspend IOCs and conduct quality assurance (QA) reviews for the period July 1, 1994 through June 30, 1995. These QA reviews will be conducted to monitor quality of care, and the continuance of program delivery necessary for resident services. The Department's goal is to conduct meaningful reviews in an expedient manner.

The QA review process will begin in facilities which were due for an IOC survey in January, 1994. When the Department becomes current relative to the IOC schedule, QA reviews will be conducted in sequence within the three month period prior to a facility's annual IOC date. The QA reviews will include inspection of 11 major program areas from the IOC program, for a random 30 percent sample of Medicaid residents or no fewer than ten Medicaid residents. In any facility having fewer than ten such residents, all of the Medicaid residents will be reviewed.

The QA review process will not include formal negotiation or arbitration, but Department surveyors will allow for discussion regarding any areas of dispute. If the QA review indicates a reduction of more than ten percent in a facility's earned reimbursement level, procedures will be implemented which provide for facility notification, surveyor assistance with problem correction, a follow-up QA review, and a full IOC for 100 percent of Medicaid residents if necessary. According to this process, rates can be recalculated and reduced when warranted.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Implementation of the QA review process will not result in any expenditure changes for the Department.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes. The proposed rulemaking will expire on June 30, 1995.

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 30, 1994

B) Types of small businesses affected: Nursing facilities

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER 1: DEPARTMENT OF PUBLIC AID  
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153  
 LONG TERM CARE REIMBURSEMENT CHANGES

Section  
 153.100 Reimbursement for Long Term Care Services  
 153.150 Quality Assurance Review

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI 3-4, 5-6 and 5/12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III 3].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; Rules adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 153.150 Quality Assurance Review

a) Purpose - Beginning July 1, 1994, quality assurance (QA) reviews will be conducted in nursing facilities to verify that programs scored during the last Inspection of Care (IOC) and new programs established for Medicaid residents continue to meet criteria as described in 89 Ill. Adm. Code 147.

b) Review Process

1) QA reviews will include the following 11 program areas from the IOC:

- A) Restorative Bathing/Grooming
- B) Restorative Clothing
- C) Restorative Eating
- D) Restorative Mobility

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 153.150(b)(1) (continued)

- E) Restorative Continence
- F) Psychosocial/Mental Status
- G) Pressure Ulcer Treatment
- H) Pressure Ulcer Prevention
- I) Psychotropic Med Reduction
- J) Passive Range of Motion
- K) Restraint Reduction and Management

- 2) A random 30 percent sample of Medicaid clients residing in a facility will be selected for the review.
- 3) Wherever possible, the sample will only include residents surveyed during the last IOC.
- 4) When there is not a sufficient number of residents in the facility from the last IOC to derive a random 30 percent sample, the sample will be chosen from the entire Medicaid population of the facility.
- 5) No less than ten Medicaid residents will be reviewed, unless fewer than ten Medicaid residents reside in the facility.
- 6) In facilities with a Medicaid census of less than ten, all Medicaid residents will be reviewed.
- 7) Assessments, plans of care and implementation of programs will be reviewed as described in 89 Ill. Adm. Code 147.
- 8) Copies of completed QA modified Form DPA 2700, Illinois Assessment of Need for Care, will be presented to the facility daily.
- 9) Each QA review will be concluded with an exit conference.
- c) Resolution
  - 1) There will be no formal negotiation or arbitration.
  - 2) There may be residents who are not receiving the same services now that they were receiving at the last IOC. Resident health



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 153.150(c)(2) (continued)

status may change over time, either through improvement or deterioration, and the resident may no longer benefit from a program. Consequently, the resolution process will include a provision for scoring discontinued programs where there is documentation to support that the program was discontinued appropriately because the resident could no longer benefit from it. The facility is encouraged to discuss discontinued programs with Department staff and to present any documentation to support its position.

- 3) Disagreement on any OA review findings that cannot be settled between the facility and OA team will be resolved at the Bureau of Long Term Care (BLTC) regional supervisor level.

## d) Notification of OA Results

- 1) Data gathered during the OA review will be evaluated by the Department.
- 2) If the results of the OA review indicate the current service level is at least 90 percent of the service level of the last IOC, the facility will pass the OA review and no further action will be taken.
- 3) To determine whether the 90 percent level has been maintained, the Department will compare the dollar amount calculated from the OA review for the 11 program areas to the reimbursed amount for the same 11 program areas from the latest IOC.
- 4) If the OA review indicates a reduction of more than ten percent in the earned rate, the following procedures will be implemented:

A) The facility will be notified, in writing, of the OA findings within 30 days of the OA review exit date.

B) Upon request from the facility, consultation will be provided by BLTC field staff to assist the facility with correction of problems.

C) A follow-up OA review will be conducted between 90 and 120 days after the first OA exit date.

- i) The procedure defined in subsection (b)(2) through (b)(6) above will be used to select a 30 percent random sample for the follow-up OA review.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 153.150(d)(4)(C) (continued)

ii) Resolution as defined in subsection (c) above is available during the follow-up OA review.

D) The facility will be notified, in writing, of the follow-up OA findings within 30 days of the follow-up OA review exit date.

E) If the follow-up OA review indicates a reduction of more than ten percent in earned rate from the last IOC, a full IOC on 100 percent of Medicaid residents will be initiated within 45 days of notification of the results from the follow-up OA review.

## e) Rate Adjustments

- 1) In any case where a 100 percent review is performed due to a reduction in services, rates will be recalculated and reduced, if indicated, based upon the full IOC results. The reduced rate will become effective on the first day of the month following the month that the full IOC exit took place.
- 2) Rates will not be increased based upon IOC results.
- f) The OA review process will be used during the rate maintenance period which ends June 30, 1995.
- g) This Section shall be automatically repealed effective June 30, 1995.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
- |         |           |
|---------|-----------|
| 140.535 | Amendment |
| 140.578 | Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments create incentives for providers of long term care services to appeal real estate tax assessment increases, when such increases seem to be excessive. Currently, professional (attorney) fees to appeal real estate tax assessments are reported as an administrative cost which is not fully reimbursed. The proposed revisions allow the cost of the appeal process to be classified as a real estate tax cost, and it is realized as a rate increase.
- Another change pertains to situations in which a facility receives a refund of real estate taxes used to calculate a payment rate for the current or previous rate years. Current procedures require any such refund of previously reported costs to be offset against, or subtracted from the costs in full. Under these proposed changes, only one-half of the amount by which the refund exceeds the appeal cost, plus the full amount of the appeal cost will be used to offset against property tax cost.

Other changes are being made to enter long standing policies and procedures into the rules. In Section 140.535, changes require a not-for-profit facility to attach a copy of a denial of application for exemption from real estate taxes to the cost report filed with the Department. Under Section 140.578, facilities shall annually submit to the Department a property tax statement form with a copy of the real estate tax bill.

If long term care facility real estate taxes are reduced by five percent under these proposed amendments, the approximate savings to the Department could be over \$1 million per year.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections    | Proposed Action | Illinois Register Citation         |
|-------------|-----------------|------------------------------------|
| 140.24      | Amendment       | April 15, 1994 (18 Ill. Reg. 5778) |
| 140.27      | Amendment       | April 15, 1994 (18 Ill. Reg. 5778) |
| 140.413     | Amendment       | July 1, 1994 (18 Ill. Reg. )       |
| 140.440     | Amendment       | March 25, 1994 (18 Ill. Reg. 4597) |
| 140.442     | Amendment       | March 25, 1994 (18 Ill. Reg. 4597) |
| 140.443     | Amendment       | March 25, 1994 (18 Ill. Reg. 4597) |
| 140.514     | Amendment       | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.538     | Amendment       | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.850     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.855     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.860     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.865     | Amendment       | March 25, 1994 (18 Ill. Reg. 4597) |
| 140.865     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.870     | Amendment       | March 25, 1994 (18 Ill. Reg. 4597) |
| 140.870     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.875     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.880     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.885     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.890     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.895     | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.Table K | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |
| 140.Table L | Repeal          | June 24, 1994 (18 Ill. Reg. 9296)  |

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 27, 1994
- B) Types of small businesses affected: Long term care facilities
- C) Reporting, bookkeeping or other procedures required for compliance:  
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT  
SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
140.1	Medical Assistance Programs
140.2	Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	Enrollment Conditions for Medical Providers
140.11	Participation Requirements for Medical Providers
140.12	Definitions
140.13	Denial of Application to Participate in the Medical Assistance Program
140.14	Recovery of Money
140.15	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.16	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Effect of Termination on Individuals Associated with Vendor
140.18	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.19	Submittal of Claims
140.20	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Covered Medicaid Services for Qualified Medicare Beneficiaries

140.21	(QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)
SUBPART C: PROVIDER ASSESSMENTS	
Section	Hospital Provider Fund
140.80	Developmentally Disabled Care Provider Fund
140.82	Long Term Care Provider Fund
140.84	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.94	Hospital Services Trust Fund
140.95	General Requirements (Recodified)
140.96	Special Requirements (Recodified)
140.97	Covered Hospital Services (Recodified)
140.98	Hospital Services Not Covered (Recodified)
140.99	Limitation On Hospital Services (Recodified)
140.100	Transplants (Recodified)
140.101	Heart Transplants (Recodified)
140.102	Liver Transplants (Recodified)
140.103	Bone Marrow Transplants (Recodified)
140.104	Disproportionate Share Hospital Adjustments (Recodified)
140.110	Payment for Inpatient Services for GA (Recodified)
140.116	Hospital Outpatient and Clinic Services (Recodified)
140.117	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.200	Payment for Hospital Services After June 30, 1982 (Repealed)
140.201	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	Payment to Practitioners, Nurses and Laboratories
140.400	Physicians' Services
140.410	Covered Services By Physicians
140.411	Services Not Covered By Physicians
140.412	Limitation on Physician Services
140.413	EMERGENCY
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy
140.425	Items - Dentists
140.426	Podiatry Services
140.427	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichuk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	Group Care Services
140.500	Cessation of Payment at Federal Direction
140.502	Cessation of Payment for Improper Level of Care
140.503	Cessation of Payment Because of Termination of Facility
140.504	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training and Testing
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Long Term Care and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Medical and In-Home Care for Disabled Persons Under Age 21 (Model Waiver)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description
140.850	Definition of Terms
140.855	Covered Services
140.860	Sponsor Qualifications
140.865	Sponsor Responsibilities
140.870	Department Responsibilities
140.875	Provider Qualifications
140.880	Provider Responsibilities
140.885	Payment Methodology
140.890	Contract Monitoring
140.895	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## SUBBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section 140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.922	Covered Services
140.924	Provider Participation Requirements
140.926	Client Eligibility
140.928	Client Enrollment and Program Components
140.930	Reimbursement
140.932	Payment Authorization for Referrals

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section 140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140.TABLE B	Health Service Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On
140.TABLE M	Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III §] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI and VII §7-4, §7-5, §7-6, §7-7 and 5/12-13].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20509, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914-Table H and 140.916-I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206-A and 147.207-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17679, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days;



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART E: GROUP CARE

## Section 140.535 Costs for Interest, Taxes and Rent

## a) Allowable costs for interest expenses

- 1) Interest -- Reasonable and necessary interest on both current and capital indebtedness is an allowable cost provided that the indebtedness is related to patient care. No interest cost shall be recognized to the extent it exceeds payment used on 125 percent of the prevailing mortgage rate at the time of the loan. Interest paid on loans from the providers' donor-restricted funds or qualified pension fund is allowable. Interest income from unrestricted funds must be used to offset allowable interest expense. Interest incurred during construction must be capitalized and amortized over the life of the asset. Interest penalties are not allowable costs. Interest on loans to purchase capital stock are not allowable costs.
- 2) Effective for the rate year beginning July 1, 1984, for sales occurring January 1, 1978, and after, where the increased capital cost is deemed unreasonable, and adjustment to interest expense

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 140.535(a)(2) (continued)

is made, the principal on which interest is computed must be reduced by the excess of the purchase price over the calculated reasonable capital expense.

- b) Rent -- Reasonable amounts expended for the rental of care related assets are allowable insofar as they represent arms length transactions between the owners of the property and the party claiming the expense. Subleases are not an allowable expense. Rentals paid to related organizations are not an allowable expense. (Capital cost of related organizations must be itemized). Real estate and personal property taxes included in rental amounts should be claimed as a tax expense.
- c) Taxes -- Real estate and personal property taxes on care related assets are allowable capital costs. Special assessments on land which represent capital improvements such as sewers, water, and pavements must be capitalized and depreciated over their estimated useful lives. Fines and penalties associated with property taxes are not an allowable cost. The personal property replacement tax is not allowable.
- 1) A facility which is organized as a not-for-profit entity must attach a copy of a denial of an application for exemption from real estate taxes, to the cost report filed with the Department. This exemption denial should be no more than four years old at the time the cost report is filed. A not-for-profit entity which leases the building from a for-profit entity does not have to attach a denial report.
- 2) Starting with cost reporting periods ending in 1994, if the long term care facility chooses to appeal an increase in real estate tax, the direct cost of that appeal may be reported as a real estate tax cost instead of a professional fee cost. An example of this cost would be a fee paid to a lawyer to prepare the appeal. Indirect costs such as overhead costs cannot be reported as a real estate tax appeal cost. Only fees paid to lawyers or organizations which specialize in real estate tax appeals may be considered to be a direct appeal cost. Services provided by related entities as defined in Section 140.537 may not be reported as a real estate tax cost if no appeal is filed. A copy of the invoice which provides details of services provided must be submitted with the cost report. A copy of the decision from the real estate tax appeal board must also be submitted with the cost report for the year in which the decision was received.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 140.578 Property Taxes

- a) For long term care services rendered from July 1, 1984, through June 30, 1985, each facility shall be reimbursed for property taxes at a rate equal to the reported per diem property tax adjusted for occupancy as specified in Section 140.570(b)(3) and projected forward to the mid-point of the rate year using the average yearly changes in property taxes as reported on the most recent available cost report for a sample of homes in the Health Service Area (HSA).
- b) For long term care services rendered subsequent to June 30, 1985, the reimbursement for real estate taxes shall be based upon the actual taxes assessed for the base year. The base year will be the calendar year which ended 18 eighteen months before the beginning of the rate year on July 1. A per diem real estate tax will be determined using actual occupancy or adjusted occupancy as specified in Section 140.570(b)(3). This per diem cost will be projected forward to the mid-point of the rate year using the average yearly changes in property taxes for each Health Service Area based upon a 20 percent sample of facilities with property tax cost. Property taxes which do not relate to the provision of care in the nursing home, such as tax assessments for investment property, will not be considered for reimbursement.
- 1) Each year long term care facilities must submit a copy of the real estate tax bills to the Department. The Department will send a Property Tax Statement form for the long term care facility to complete and return with a copy of the tax bill. This will provide information necessary to calculate the real estate tax portion of the capital rate.
- 2) Beginning with rates to be effective on July 1, 1995, the real estate tax cost described in this Section will be adjusted as follows prior to rate calculation:
  - A) Any direct appeal cost from Section 140.535(c)(2) will be added. If the same cost reporting period is used to set rates for more than one rate year this cost will only be used for one rate year.
  - B) If a facility receives a refund of real estate taxes used to calculate a payment rate for the current or previous rate years, a portion of that refund will be offset against real estate tax cost to be used to calculate rates for the next rate year. The full amount of the direct appeal cost reported as a real estate tax cost plus one-half of the amount by which the refund exceeds the appeal cost, will be

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 140.578(b)(2)(B) (continued)

the offset. For example, assume that a facility receives a refund of \$70,000 in 1994 for taxes paid for 1991, and the facility pays \$10,000 in legal fees related to the appeal. The \$10,000 legal fee can be reported as a real estate tax cost on the 1994 cost report. Forty thousand dollars of the refund must be offset against the cost that would otherwise be used to calculate the next year's real estate tax rates. The \$40,000 is the \$10,000 fee plus one-half of the \$60,000 excess above the fee. If the same cost reporting period is used to set rates for more than one rate year, this refund will only be offset in one rate year.

- C) This benefit of the offset of less than the full refund is only provided to facilities which report that amount of refund on the cost report in the year in which the refund was received or accrued as a receivable. Any unreported refunds will be offset in full and the reported appeal cost will be reclassified as an administrative cost rather than a real estate tax cost.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part:

AIDS Drug Reimbursement Program

- 2) Code Citation:

77 Ill. Adm. Code 692

- 3) Section Numbers:

692.10

692.Appendix A

Proposed Action:

Amendment

Amendment

- 4) Statutory Authority:

Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff, as amended by Public Law 101-381, effective August 18, 1990) and authorized by Section 55.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat., 1991, ch. 127, par. 55-41) [20 ILCS 2310/55.41].

- 5) A Complete Description of the Subject and Issues Involved:

This rulemaking adds drugs to be covered under the AIDS Drug Reimbursement Program.

To be eligible for services under the program, an individual must:

make application with the Illinois Department of Public Health;

be diagnosed as having AIDS or HIV;

qualify financially with anticipated net monthly income at or below 400% of the federal poverty level for the size of the household;

not be eligible for the Medical Assistance Program on the date drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate);

not be eligible for 100% coverage for drugs through another third party payor; and

not be eligible for payment of medical services from any other governmental entity.

The drugs that will now be covered under the AIDS Drug Reimbursement Program are zidovudine (AZT), dideoxyinosine (DDI), zalcitabine (ddC), aerosolized pentamidine, sulfamethoxazole/trimethoprim, alpha interferon, zovirax (acyclovir), diflucan (fluconazole),



ketoconazole, dapsone, rifabutin, mycelex trouche, clarithromycin and megace.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes \_\_\_ No ✓

7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes \_\_\_ No ✓

8) Does this Rulemaking Contain any Incorporations by Reference?

Yes \_\_\_ No ✓

9) Are there any other Proposed Amendments Pending on this Part?

Yes \_\_\_ No ✓

If yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act commenting on these rules shall indicated their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Increasing the number of drugs available to eligible clients through this program should not have an impact on small businesses.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

D) Types of Professional Skills Necessary for Compliance:

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

## PART 692

## AIDS DRUG REIMBURSEMENT PROGRAM

Section  
692.10

Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

692.Appendix A 19941993 Poverty Income Guidelines  
692.Appendix B CARE Act Sliding Fee Scale

**AUTHORITY:** Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff, as amended by Public Law 101-381, effective August 18, 1990) and authorized by Section 55.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.41) [20 ILCS 2310/55.41].

**SOURCE:** Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052 effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Italics or capitalization denotes statutory language.

Section 692.10

Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

Drugs provided under this Section are paid on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or persons with the Human Immunodeficiency Virus (HIV).

- a) To qualify for services under this Section, a person must be enrolled in the AIDS Drug Reimbursement Program as of September 30, 1991, or

- 1) make application with the Illinois Department of Public Health (Department);
- 2) be diagnosed as having AIDS or HIV;
- 3) qualify financially with anticipated net monthly income at or below 400% of the Federal Poverty Level for the size of the household (See Appendix A);

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 4) not be eligible for 100% insurance coverage for drugs through another third party payor.

- 5) not be eligible for the Medical Assistance Program (Medicaid) on the date drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate); and

- 6) not be eligible for payment of medical services from any other governmental entity.

- b) The drugs that are covered under the AIDS Drug Reimbursement Program are zidovudine (AZT) dideoxynosine (DDI), zalcitabine (ddC), aerosolized pentamidine, sulfamethoxazole/trimethoprim alpha interferon, zovirax (acyclovir), diflucan (fluconazole), ketoconazole, ~~and~~ dapsone, rifabutin, mycelex trouche, clarithromycin and megace.

- c) To be eligible for services, all prescriptions must be filled by the Department's sole pharmacy contractor.

- d) The sole pharmacy contractor may charge a fee for services. If a fee for services is charged, it must be in accordance with and conform to the sliding fee structure specified in Title II of the CARE Act (See Appendix B).

- e) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within thirty (30) days from the date the Department receives the application. An individual may appeal the Department's denial of his/her application. Such appeal shall be in accordance with the Department's rules of practice and procedure in administrative hearings (77 Ill. Adm. Code 100).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Appendix A 19941993 Poverty Income Guidelines

## 19941993 Poverty Income Guidelines

Size of Family Unit      Poverty Guideline

1	\$ 6,970 7,360
2	9,430 9,840
3	11,990 12,320
4	14,350 14,800
5	16,810 17,280
6	19,270 19,760
7	21,730 22,240

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

8

~~24,190~~ 24,720

For family units with more than 8 members, add \$2,460 for each additional member.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Illinois Water Well Construction Code

2) Code Citation: 77 Ill. Adm. Code 920

3) Section Numbers: Proposed Action:

920.10	Amendment
920.15	Amendment
920.20	Amendment
920.30	Amendment
920.40	Amendment
920.50	Amendment
920.60	Amendment
920.70	Amendment
920.80	Amendment
920.90	Amendment
920.100	Amendment
920.110	Amendment
920.120	Amendment
920.130	Amendment
920.140	Amendment
920.150	Amendment
920.160	Amendment
920.170	Amendment
920.180	Amendment
920.190	New Section
920. Table A	Amendment
920. Table B	Amendment
920. Illustration H	Amendment

4) Statutory Authority:

Illinois Water Well Construction Code (Ill. Rev. Stat., 1991, ch. 111 1/2, par. 116.111 et seq.) [415 ILCS 30].

5) A Complete Description of the Subject and Issues Involved:

Section 920.10. Adopts new statutory reference system for each statute cited.

Section 920.15. Deletes the Water Systems Council standard for pitless well adapters. The rule also allows pitless adapters to meet the NSF standard, however, the Water



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Section 920.30. Adopts new statutory reference.

Section 920.40. Deletes the Water Systems Council standard for pitless well adapters.

Section 920.50. Adopts standards for sewer pipe seals.

Section 920.60 and 920.70. Deletes the use of drill cuttings as a material used for sealing the annular space around the outside of the water well casing.

Section 900.80. Amends the driven water well requirements.

Section 920.90. Adopts up-to-date ASTM standards.

Section 920.100. Clarifies disinfection requirements.

Section 920.110. Clarifies type of pit.

Section 920.120. Clarifies the water well sealing requirements.

Section 920.130. Raises the water well permit fee from \$75.00 to \$100.00. Adopts PCB groundwater quality standards to determine if a groundwater is contaminated.

Section 920.140. Clarifies administrative hearings.

Section 920.150. Clarifies requirements for local health departments.

Section 920.160. Deletes the requirement that a local health department inspect the sealing of borings.

Section 920.170. Clarifies grouting requirement for monitoring well construction.

Section 920.180. Establishes standards for copper used in closed loop heat pump wells.

Section 920.190. Establishes groundwater contamination standards and adopts PCB Class I Groundwater Quality Standards as required in Section 6 of the Act.

920.TABLE A. The amendment clarifies type of casing.

920.TABLE B. The amendment adds additional casing sizes and establishes minimum wall thicknesses for these additional casing diameters.

920.ILLUSTRATION H. Amends the driven well requirements in accordance with Section 920.80.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain any Incorporations by Reference? Yes ☒ No ☐

If "yes," please specify type: 6.02(a) ☐ or 6.06(b) ☒

9) Are there any Other Proposed Amendments Pending on this Part? Yes ☐ No ☒

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

Adopt latest industry standards and clarify existing rules.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

B.) Type of Small Businesses Affected:

Water Well Drillers

C.) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D.) Types of Professional Skills Necessary for Compliance:

Water well drillers license.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER r: WATER AND SEWAGE

## PART 920

## ILLINOIS WATER WELL CONSTRUCTION CODE

## Section

## Definitions

## Incorporated or Referenced Materials

## Scope

## General Requirements

## Design Factors

## Location

## Drilled Wells in Unconsolidated Formations

## Drilled Well Construction in Consolidated Formations

## Special Type Wells

## Construction Materials and Other Requirements

## Finishing and Testing

## Modification of Wells

## Abandoned Wells

## Permit Requirements

## Administrative Hearings

## Designation of Agents of the Department

## Issuance of Water Well Permits by Units of Local Government or Local Health

## Departments

## Monitoring Wells

## Closed-Loop Heat Pump Wells

## Assurance of Potable Water Supply

## 920.TABLE A Steel Casing and Liner Pipe Weights and Dimensions

## 920.TABLE B Plastic Casing and Liner Pipe Specifications

## ILLUSTRATION A Unconsolidated Formations with Non-Stable Overburden

## ILLUSTRATION B Unconsolidated Formations with Stable Overburden

## ILLUSTRATION C Gravel Wall Construction

## ILLUSTRATION D Aquifer Below Creviced Formations

## ILLUSTRATION E Creviced Formations

## ILLUSTRATION F Bored or Dug Well - Well Not Finished With Buried Slab

## ILLUSTRATION G Bored or Dug Well - Buried Slab Construction

## ILLUSTRATION H Installation of a Driven Well

AUTHORITY: Implementing and authorized by the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989, 1991 ch. 111 1/2, pars. 116.111 et seq) [415 ILCS 30].

SOURCE: Adopted September 12, 1973; amended at 2 Ill. Reg. 42, p. 35, effective October 16, 1978; rules repealed, new rules adopted and codified at 7 Ill. Reg. 9633, effective August 1, 1983; amended at 12 Ill. Reg. 2990, effective January 13, 1988; amended at 13 Ill. Reg. 11796, effective July 1, 1989; amended at 14 Ill. Reg. 228, effective January 1, 1990; amended at 14 Ill. Reg. 14871, effective September 1, 1990; amended at 15 Ill. Reg. 18188, effective January 1, 1992; amended at 18 Ill. Reg.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

\_\_\_\_\_, effective \_\_\_\_\_.

## NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## Section 920.10 Definitions

"Abandoned Well" means a water or monitoring well which is no longer used ~~for the purpose for which it was intended or is no longer used~~ to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.

"Act" means the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 116.111 et seq.) [415 ILCS 30].

"Annular Space" means the opening between a well-hole excavation and the well casing or between a casing pipe and a liner pipe.

"Aquifer" means a water bearing formation that transmits water in sufficient quantity to supply a well.

"Boring" means an excavation that is drilled, cored, driven, dug, or otherwise constructed which penetrates an aquifer or which may degrade the quality of the aquifer.

"Chemical Injection System" means any device or combination of devices having hose, pipe or other methods of conveyance which connect directly to any water well through which a mixture of water, pesticides and fertilizers are mixed or are drawn and applied to land, crops, and/or plants at agricultural, nursery, turf, golf course, or greenhouse sites.

"Clay Slurry" means a mixture of water and clay.

"Closed-Loop Well" means a sealed, watertight loop of pipe buried outside of a building foundation which is intended to recirculate a liquid solution through a heat exchanger.

"COMMUNITY WATER SYSTEM" MEANS A PUBLIC WATER SYSTEM WHICH SERVES AT LEAST 15 SERVICE CONNECTIONS USED BY RESIDENTS OR REGULARLY SERVES AT LEAST 25 RESIDENTS FOR AT LEAST 60 DAYS PER YEAR. (Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 7459) [415 ILCS 55/9], (Section 9(a)(1)).

"Consolidated Formation" means a geological formation which is firm such as rock.

"Construction" means all acts necessary to obtaining ground water by wells, including excavation of the well, but excluding the installation of permanent pumps and pumping equipment.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"CONTAMINANT" MEANS ANY PHYSICAL, CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL SUBSTANCE OR MATTER IN WATER. (Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 7451 et seq.) [415 ILCS 55], (Section 9(a)(2)).

"Department" means the Illinois Department of Public Health.

"Driven Water Well" means a well constructed by joining a drive point with lengths of pipe and then driving or jetting the assembly into the ground with percussion equipment or by hand.

"Environmental Protection Act" means the Environmental Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 1001 et seq.) [415 ILCS 5].

"Established Ground Surface" means the elevation of the ground surface at the site of the well.

"Finished Ground Surface" means the final or permanent elevation of the ground surface at the site of the well.

"Modification" means any change, replacement, or other alteration of a water well. This includes, but is not limited to deepening of a well, replacing or repairing a casing, repair or replacement of well screen, installation of a pitless adapter and any other changes of a well structure.

"Monitoring Well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Neat Cement" means a mixture consisting of one bag of cement (94 pounds) to not more than six gallons of clean water. Additives such as bentonite or aquajel or similar materials may be added up to 6% by dry weight to increase fluidity or to control shrinkage.

"NON-COMMUNITY WATER SYSTEM" MEANS A PUBLIC WATER SYSTEM WHICH IS NOT A COMMUNITY WATER SYSTEM, AND HAS AT LEAST 15 SERVICE CONNECTIONS USED BY NONRESIDENTS, OR REGULARLY SERVES 25 OR MORE NONRESIDENT INDIVIDUALS DAILY FOR AT LEAST 60 DAYS PER YEAR. (Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 7451 et seq.) [415 ILCS 55], (Section 9(a)(4)).

"Pitless Well Adapter" means an assembly of parts which will permit water to pass through the wall of the well casing or extension thereof; provides access to the well and to the parts of the water system within the well; and provides for the transportation of the water and the protection of the well and water therein, from surface or near surface contamination. Parts or appurtenances to a pitless well adapter include, but are not limited to, the vent, the device(s) on or in the wall of the casing, and the cap or cover on top of the casing or casing extension.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION WHICH:

IS UTILIZED FOR THE TREATMENT, STORAGE, OR DISPOSAL OF ANY HAZARDOUS OR SPECIAL WASTE (as defined in Section 3 of the Environmental Protection Act) NOT GENERATED AT THE SITE; OR

IS UTILIZED FOR THE DISPOSAL OF MUNICIPAL WASTE NOT GENERATED AT THE SITE, OTHER THAN LANDSCAPE WASTE (as defined in Section 3 of the Environmental Protection Act) AND CONSTRUCTION AND DEMOLITION DEBRIS; OR

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, SURFACE IMPOUNDING OR PILING OF ANY HAZARDOUS OR SPECIAL WASTE (as defined in Section 3 of the Environmental Protection Act) THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES.

(Environmental Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 1003.59)) [415 ILCS 5/3.59].

"POTENTIAL SECONDARY SOURCE" MEANS ANY UNIT AT A FACILITY OR A SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION, OTHER THAN A POTENTIAL PRIMARY SOURCE, WHICH:

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, OR SURFACE IMPOUNDING OF WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON, OTHER THAN LIVESTOCK AND LANDSCAPE WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 BUT NOT MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 2,500 BUT NOT MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 GALLONS ABOVE GROUND, OR MORE THAN 500 GALLONS BELOW GROUND, OF PETROLEUM, INCLUDING CRUDE OIL OR ANY FRACTION THEREOF WHICH IS NOT OTHERWISE SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS SUBSTANCE; OR

STORES OR ACCUMULATES PESTICIDES, FERTILIZERS, OR ROAD

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

OILS FOR PURPOSES OF COMMERCIAL APPLICATION OR FOR DISTRIBUTION TO RETAIL SALES OUTLETS; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 50,000 POUNDS OF ANY DE-ICING AGENT; OR

IS UTILIZED FOR HANDLING LIVESTOCK WASTE OR FOR TREATING DOMESTIC WASTEWATERS OTHER THAN PRIVATE SEWAGE DISPOSAL SYSTEMS AS DEFINED IN THE "PRIVATE SEWAGE DISPOSAL LICENSING ACT" (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 116.301) [225 ILCS 225].

(Environmental Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 1003.60)) [415 ILCS 5/3.60].

"POTENTIAL ROUTE" MEANS ABANDONED AND IMPROPERLY PLUGGED WELLS OF ALL KINDS, (i.e. those wells not plugged in accordance with the provision of this Part) DRAINAGE WELLS, ALL INJECTION WELLS, INCLUDING CLOSED LOOP HEAT PUMP WELLS, AND ANY EXCAVATION FOR THE DISCOVERY, DEVELOPMENT OR PRODUCTION OF STONE, SAND OR GRAVEL. (Environmental Protection Act, Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 1003.58) [415 ILCS 5/3.58].

"PRIVATE WATER SYSTEM" MEANS ANY SUPPLY WHICH PROVIDES WATER FOR DRINKING, CULINARY, AND SANITARY PURPOSES AND SERVES AN OWNER-OCCUPIED SINGLE FAMILY DWELLING. (Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 7459) [415 ILCS 55/9] (Section 9(a)(5)).

"PUBLIC WATER SYSTEM" MEANS A SYSTEM FOR THE PROVISION TO THE PUBLIC OF PIPED WATER FOR HUMAN CONSUMPTION, IF THE SYSTEM HAS AT LEAST 15 SERVICE CONNECTIONS OR REGULARLY SERVES AN AVERAGE OF AT LEAST 25 INDIVIDUALS DAILY AT LEAST 60 DAYS PER YEAR. THE TERM "PUBLIC WATER SYSTEM" INCLUDES ANY COLLECTION, TREATMENT, STORAGE OR DISTRIBUTION FACILITIES UNDER CONTROL OF THE OPERATOR OF SUCH SYSTEM AND USED PRIMARILY IN CONNECTION WITH SUCH SYSTEM AND ANY COLLECTION OR PRETREATMENT STORAGE FACILITIES NOT UNDER SUCH CONTROL WHICH ARE USED PRIMARILY IN CONNECTION WITH SUCH SYSTEM. (Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par. 7459) [415 ILCS 55/9] (Section 9(a)(6)).

"Pumping Water Level" means the elevation of the water surface in a well when water is discharged by pumping.

"SEMI-PRIVATE WATER SYSTEM" MEANS A WATER SUPPLY WHICH IS NOT A PUBLIC WATER SYSTEM, YET WHICH SERVES A SEGMENT OF THE PUBLIC OTHER THAN AN OWNER-OCCUPIED SINGLE FAMILY DWELLING. (Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989 1991, ch. 111 1/2, par.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

7459) [415 ILCS 55/9] (Section 9(a)(7)).

"SITE" MEANS ANY LOCATION, PLACE, TRACT OF LAND, AND FACILITIES, INCLUDING BUT NOT LIMITED TO BUILDINGS, AND IMPROVEMENTS USED FOR PURPOSES SUBJECT TO REGULATION UNDER THE ENVIRONMENTAL PROTECTION ACT. (Environmental Protection Act, Ill. Rev. Stat. ~~4989~~ 1991, ch. 111 1/2, par. 1003.43)) [415 ILCS 5/3.43].

"Unconsolidated Formation" means a geological formation above bedrock such as sand or gravel which is caving in nature.

"UNIT" MEANS ANY DEVICE, MECHANISM, EQUIPMENT, OR AREA (EXCLUSIVE OF LAND UTILIZED ONLY FOR AGRICULTURAL PRODUCTION). (Environmental Protection Act, Ill. Rev. Stat. ~~4989~~ 1991, ch. 111 1/2, par. 1003.62)) [415 ILCS 5/3.62].

"Well Cap" means that portion of the pitless well adapter used to enclose the atmospheric termination of the casing, which shall overlap the top of the casing extension with a downward flange.

"Water Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial re-charge, or acquisition of ground water, except monitoring wells.

"Well Seal" means an arrangement or device used to establish a watertight closure at the junction of a well pump or piping with the well casing cover at the upper terminal of the well, the purpose of which is to prevent contaminated water or other material from entering the well.

Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.15 Incorporated or Referenced Materials

a) The following federal and State regulations, standards, and statutes are incorporated or referenced in various sections of this Part:

- 1) National Sanitation Foundation, Standard 56, Pitless Well Adapters (November, 1992~~86~~) and published by:

The National Sanitation Foundation  
3475 Plymouth Road, P.O. Box 1468  
Ann Arbor, Michigan 48106

- 2) National Sanitation Foundation, Standard 14-1990, Plastic Piping System Components and Related Materials and published by:

The National Sanitation Foundation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

3475 Plymouth Road, P.O. Box 1468  
Ann Arbor, Michigan 48106

- 3) American Society for Testing and Materials (ASTM) required standards are listed under Sections 920.90 and 920.180. List of approved steel and plastic well casing standards may be obtained from:

American Society for Testing and Materials  
1916 Race Street  
Philadelphia, PA 19103

- 4) Environmental Protection Act, Title IV, Public Water Supplies (415 ILCS 5/14-5/19 Ill. Rev. Stat. ~~1989~~, ch. ~~111 1/2~~ ~~pars. 1014-1019~~)
- 5) Illinois Water Well and Pump Installation Contractor's License Act (225 ILCS 345/1 Ill. Rev. Stat. ~~1989~~, ch. ~~111~~, ~~pars. 7101 et seq.~~)
- 6) ~~Pitless Adapter Standard Number 1, March 1987 Edition~~

Water Systems Council  
600 South Federal Street  
Chicago, Illinois 60605

- 6) Underwriter's Laboratories, Inc., Standard for Safety UL 1995, Heating and Cooling Equipment, and published by:

Underwriter's Laboratories, Inc.  
333 Pfingster Road  
Northbrook, Illinois 60062

- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

- c) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 525 West Jefferson - Third Floor, Springfield, Illinois 62761.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.20 Scope

The Part hereby prescribed, provides minimum standards for location, construction and modification of water wells, monitoring wells and closed-loop wells which are not otherwise subject to regulation under the Environmental Protection Act, Title IV, Public Water Supplies (Ill. Rev. Stat. ~~4989~~ 1991, ch. 111 1/2 pars. 1014-1019) [415 ILCS 5/14 - 5/19]. After the effective date of adoption of this Part, no water well, monitoring well or closed-loop well as defined above shall be constructed or modified contrary to the provisions of this Part.



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 920.40 Design Factors

The design of each well shall include the following:

- a) Natural Protection. Location of the well shall include utilization of every natural protection available to promote sanitary conditions.
- b) Geological Formations. The well construction shall be adapted to the geologic formations and ground water conditions at the site.
- c) Undesirable Geological Formations. Water bearing formations shall be excluded by installing casing or a liner and properly sealing when such formations contain undesirable water or when the primary purpose for the well is to withdraw water from a deeper formation.
- d) Capacity. Capability of the well to produce as much of the desired water quantity as the aquifer or aquifers can safely furnish.
- e) Durability. Construction methods and materials shall provide a durable well capable of maintaining safe water and protecting the aquifer.
- f) Pitless Well Adapters. No well casing shall be cut off or cut into below ground surface except to install a pitless well adapter below the frost level. Pitless well adapters shall be pressurized at the point of attachment with the well casing, unless the pitless unit is threaded onto the well casing coupling. Pitless well adapters shall comply with the requirements of the National Sanitation Foundation (NSF) Standard Number 56 entitled Pitless Well Adapters, and shall bear the NSF seal or shall comply with the requirements of the Pitless Adapter Standard Number 1 dated March 1987 as published by the Water Systems Council and shall be tested and approved as meeting this standard by Allied Laboratories, 716 North Iowa Avenue, Villa Park, Illinois, and shall be listed by the Water Systems Council indicating conformance with the Pitless Adapter Standard Number 1 and shall be listed by the Department as meeting this standard. Pitless well adapters approved by this Department prior to July 1, 1983, shall continue to be approved until January 1, 1992 after which they shall be approved in accordance with this subsection. A list of approved pitless well adapters will be periodically updated and a copy of this list may be obtained from the Department.

Well Caps. There shall be no openings through the well cap except for a factory-installed vent, air line connection and power supply wiring unless a proposal is submitted to and approved by the Department. The proposal must show that any entrance into the well cap is watertight. In addition, well caps shall:

- 1) Prevent surface water from entering the water supply.
- 2) Be secured in position.
- 3) Be removable with tools only.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

Section 920.30 General Requirements

a) Authorized Constructor. Water wells subject to this Part shall be constructed only by persons having a valid license under the Illinois Water Well and Pump Installation Contractor's License Act (Ill. Rev. Stat., 1989 1991, ch. 111, pars. 7101 et seq.) [225 ILCS 345] unless exempt under provisions of that Act.

b) Reports. Within 30 days after a water well has been constructed or deepened ~~modified~~, the contractor shall submit a report of construction and pump installation to the Department on such forms as are prescribed and furnished by the Department.

c) Variance.

1) If conditions exist at a proposed installation site which preclude compliance with the requirements of this Part, the contractor may request a variance by submitting to the Department a written request outlining a specific proposal to be used in lieu of compliance with this Part. The request shall include a plot plan of the property showing lot size, the location of sewers, septic tanks, buildings, seepage fields, and other sources of contamination on the property and adjacent property with distances shown to the proposed well. A description of geological and soil conditions shall also be included. The Department will notify the applicant in writing of its decision either to grant or deny the variance. A variance shall be requested and approved before well construction begins.

2) After a well has been drilled for which a variance has been issued, the contractor shall submit two water samples to the Department laboratory for analysis after the well is completed. The first sample shall be submitted within 30 days; and the second sample shall be submitted within 60 days following completion of the well but not less than 30 days following collection of the first sample. The Department shall approve the variance if the proposal is in accord with accepted public health and sanitary engineering principles and practices, and if the resulting water well pump installation can be expected to provide a continuously safe and sanitary water supply.

3) Examples of location problems which would preclude compliance with this Part would be the proposed location of a well too close to septic tanks, buildings, sewer lines, or barnyards.

4) Examples of public health and engineering principles that would be considered in issuing a variance would be ground surface conditions, depth of the water table, the location of sources of contamination, the ability of the existing soil to remove bacteria, and geologic conditions.

(Source: Amended at 18 Ill. Reg. \_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 4) Be resistant to weathering and corrosion.
- h) Chemical Injection System. Where a chemical injection system is directly connected to a water well used for irrigation, a backflow device shall be installed in accordance with Section 925.40 of the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.50 Location

- a) General. In establishing the location of a well, the constructor shall give consideration to sources of contamination which exist on or adjacent to the premises where the well is to be located. As far as possible, the well shall be located on ground which is higher than sources of contamination and shall have ready access for repairs, maintenance, treatment and inspection. All water wells, except monitoring wells, shall be located in accordance with the minimum distances in subsection (b) and shall be constructed in accordance with the requirements of this Part.
- b) Relation to Sources of Contamination. Determination of minimum lateral distances to locate a well from potential sources of contamination, involves evaluation of the character and location of the sources of contamination, types of geologic formations present, depth to the aquifer, direction of ground water flow, effect on the ground water movement by well pumping and possibilities of flooding of the site by surface waters. Based on practice and experience, accepted minimum lateral distances for some common sources of pollution with respect to a well have been established. The lack of specific distances for other possible sources of contamination such as streams, refuse disposal sites, excavations, waste treatment facilities, buried oil and gasoline storage tanks, improperly constructed wells and cisterns, does not minimize their potential hazards. These must be evaluated in each particular situation and a distance arrived at based on the pertinent facts. The Department may be called on for assistance in determining a proper distance.

- 1) The following minimum lateral distances shall apply for the common sources of contamination listed:

MINIMUM LATERAL DISTANCES FOR  
SOURCES OF CONTAMINATION CLAY AND LOAM SOILS

Cess Pools	150 Feet
Closed-Loop Wells	200 Feet

Closed-Loop Wells  
(Private Well Only). (Where the owner of both the private water well and the closed-loop

2)

When the upper formations are more pervious, the lateral distances shall be increased (i.e., double the distance for highly pervious gravel formations.)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

heat pump well is the same)	75 Feet
Leaching Pit	100 Feet
Pit Privy	75 Feet
Subsurface Seepage Tile From Private Sewage Systems	75 Feet
Manure Piles	75 Feet
Septic Tank	50 Feet
Barnyard or Animal Confinement Lot	50 Feet
Sewers. A well may be located to within 10 feet of a sewer provided the sewer consists of cast iron pipe with water tight mechanical joints or rubber gasket sealed joints which meet ASTM Standard C564-88, or schedule 40 PVC pipe or heavier with solvent welded water tight joints or elastomeric seals (gaskets) used for push-on joints which meet ASTM Standard F477-76.	50 Feet
Footing Drains (No connection to a sewer or a sump handling sewage)	10 Feet
Pump House Floor Drain	2 Feet
Pits, Crawl Spaces or Basements	5 Feet
Lakes, Ponds, or Streams or Cisterns	25 Feet
Potential Primary Source, Potential Secondary Source, or Potential Route	200 Feet
Potential Primary Source, Potential Secondary Source, or Potential Route where the owner of the source or route is the same as the private well.	75 Feet
Abandoned Wells	200 Feet

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

(See subsection (b)(3) and (4) for additional requirements)

- 3) Prohibitions. Beginning January 1, 1990, no new water well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless some other distance is allowed or required in subsection (b)(1). Where the owner is the same for both the well to serve the private water system and a potential secondary source or a potential route, the well shall be no closer than 75 feet from the potential route or potential secondary source, unless some other distance is allowed or required in subsection (b)(1).
- 4) Where the owner of a water well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department shall allow a variance to the minimum separation distances required between a water well and a potential primary source, potential secondary source or a potential route if a demonstration is provided by the owner of the potable water well that applicable protective measures will be utilized to minimize the potential for contamination of the well, and if the resulting well installation can be expected to provide a continuously safe and sanitary water supply in compliance with the Act, this Part and the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900). Applicable protective measures may include ensuring sources of contamination are down grade from the water source or isolation of the potential source of contamination in such a manner as to prevent a route of contamination of the ground water, or isolating the potential source of contamination to prevent accidental introduction of contaminants into ground water. In order to obtain a variance the owner must comply with Section 920.30(c). (Section 6(a) of the Act).

- c) Flood Water. Locations subject to flooding shall be avoided. If no reasonable alternate site exists, wells may be constructed in flood zones providing special protective construction is included. The casing of the well shall terminate not less than two feet above the maximum known flood water elevation.
- d) Relation to Building. With respect to buildings, pits, and basements the location of a well shall be as follows:
  - 1) Adjacent to Building. When a well must be located adjacent to a building, it shall be so located that the center line of the well extended vertically will clear any projection from the building by not less than two feet.
  - 2) Pits and Basements. New wells shall not be constructed in pits or basements.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.60 Drilled Wells in Unconsolidated Formations

- a) General. Unconsolidated formations such as sand and gravel may extend to or near the ground surface. Generally, however, they lie below the ground surface at varying

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

depths and are covered by an overburden of earth. The kind, nature and depth of the overburden are factors in determining how a well shall be constructed.

- b) Unconsolidated Formations with Non-Stable Overburden. Wells constructed in unconsolidated formations which extend the full depth of the well shall have a permanent casing installed governed by the pumping level in the finished well. For pumping levels greater than 20 feet below the ground surface, the casing shall extend 5 feet below the pumping level. For pumping levels 20 feet or less below the ground surface, the casing shall extend 10 feet below the pumping level. Under no conditions shall there be less than 20 feet of permanent casing installed. (See Illustration A.)
- c) Unconsolidated Formations with Stable Overburden. Wells constructed in geological formations such as sand and gravel which lie below clay, glacial till or other relatively stable soil shall have a casing installed governed by the pumping level. For pumping levels greater than 20 feet, and the casing shall extend 5 feet below the pumping level. For pumping levels 20 feet or less, the casing shall extend 10 feet below the pumping level. Under no conditions shall there be less than 20 feet of permanent casing installed. Since the stable overburden cannot be expected to form a continuous contact seal with the casing, sealing of the annular opening between the casing and the drill hole must be effected. This can be accomplished by constructing an upper drill hole having a diameter four inches greater than the inner diameter of the casing to be installed and extending to a depth of at least 20 feet. The upper drill hole shall be sealed with drill cuttings, clay slurry, bentonite grout or cement grout after the casing is in place. (See Illustration B.)
- d) Gravel Wall Construction. When an over-sized drill hole is constructed to permit the placement of a gravel wall around the well screen, the annular opening between the casing and drill hole shall be sealed in the top 20 feet or 20 feet below the point of pitless adapter attachment with concrete, neat cement or bentonite grout. If a permanent outer casing is installed, it shall extend to a depth of at least 20 feet and depending on the formations present, the annular opening between the drill hole and the outer casing shall be sealed with ~~drill cuttings~~; clay slurry, bentonite, or cement grout. The annular opening between inner and outer casings shall be sealed with concrete, bentonite or cement grout in the upper 20 feet or 20 feet below the point of pitless adapter attachment. (See Illustration C.)

- 1) All gravel placed in the well shall be clean, washed and disinfected prior to placement or provisions made for disinfection in place.
- 2) Gravel refill pipes may be installed if they terminate above ground surface and are provided with watertight caps.
- 3) Wells designed for placement of an artificial gravel pack shall be provided with an adequate screen having openings sized on the basis of the grain size of the gravel. The well shall be developed to insure free entry of water without sediment.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## Section 920.70 Drilled Well Construction in Consolidated Formations

- a) Creviced Formations - Drift or Earth Cover Less Than 30 Feet. Creviced or cracked limestone or dolomite which is the upper bedrock formation and is overlain by a mantle of earth having a thickness less than 30 feet, shall be used as a source of ground water supply when constructed by one of the following methods:

- 1) Where the drift or earth ~~mantle~~ cover is less than 30 feet in thickness, the well casing shall extend to a depth of at least 40 feet below ground level. The diameter of the drill hole shall be a minimum of two inches greater than the inner diameter of the casing. The annular space shall be pressure cement grouted as provided for in Section 920.90(g), or pressure bentonite grouted.
- 2) Where the well is drilled to obtain water from a lower formation the casing shall extend at least through the crevice formation and be seated in firm rock. The diameter of the drill hole through the crevice formation shall be a minimum of two inches greater than the inner diameter of the casing. The annular space shall be pressure cement grouted as provided in Section 920.90(g). When an outer casing is left in place, the annular space between the casings shall be pressure cement grouted and the annular opening around the outer casing shall be sealed with ~~drill cuttings~~; clay slurry, bentonite, or cement grout. (See Illustration D.)

- b) Drift or Earth ~~Mantle~~ Cover Over 30 Feet in Thickness. Where the drift or surficial earth ~~mantle~~ cover is greater than 30 feet in thickness, the casing shall be fitted with a drive shoe and be driven to a firm seat in the limestone or dolomite and the annular space around the casing through the earth mantle sealed with ~~drill cuttings~~; clay slurry, bentonite or cement grout. Plastic casing shall be installed as required in Section 920.70(d) (See Illustration E.)

- c) Flowing Artesian Well. Initial drilling operations shall extend into but not through the formation confining the water. The casing shall be installed and the annular opening between drill hole and casing pressure sealed with cement or bentonite grout and allowed to set in accordance with Section 920.90(g)(4). The hole shall then be extended into the artesian formation. Flow control from the well shall be provided by valved pipe connections, watertight pump connections, or receiving reservoirs set at an altitude corresponding to the artesian head.

- d) Plastic Casing Installations. When plastic well casing is installed, the drill hole shall be a minimum of two inches greater than the inner diameter of the casing. The pipe spigot and socket shall be cleaned and treated with a cleaner-primer. Joints shall be solvent cemented with a quick setting cement. Other types of joints may be evaluated and approved by the Department. There shall be no penetrations through the inner casing. A coupling shall be cemented on the bottom of the casing to stabilize it in the hole. A steel nipple five to ten feet long may be used on the bottom of the casing in lieu of the coupling. In rock wells, the casing shall be set into the rock a minimum of three feet to prevent leaking around the end of the casing. In areas where the water is obtained at the rock surface, the casing shall be set just above the rock. A formation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

packer shall be installed just above the bottom of the casing. The annular opening between the casing and wall of the drill hole shall be sealed in accordance with Section 920.70(a)(1) with bentonite slurry or neat cement grout for both rock and drift wells.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.80 Special Type Wells

- a) General. Wells in this classification are dug, bored, driven, and radial collector. The choice of any one of these as opposed to a drilled well is largely dictated by the characteristics of the water bearing formations or aquifers in the local areas.

- b) Bored or Dug Well - Well Not Finished With Buried Slab. Bored or dug wells that are not finished as buried slab wells shall comply with the following: (See Illustration F.)

- 1) Annular Opening. The open space between the excavation and the installed casing shall be grouted with concrete. The concrete shall be a minimum of six inches thick and be poured without construction joints from the ground surface to a minimum of ten feet below ground level. The contractor shall be responsible for the installation of the concrete grout. The diameter of the well bore below the grouting shall be a minimum of four inches greater than the outside diameter of the well casing and shall be filled with pea gravel to the well bottom.

- 2) Upper Terminal. The casing shall extend at least 8 inches above finished ground surface. A cover slab at least four inches thick, adequately reinforced and having a diameter sufficient to extend to the outer edge of the casing shall be provided. The slab shall be constructed without joints. The top of the slab shall be sloped to drain to all sides and a watertight joint made where the slab rests on the well casing. A manhole, if installed, shall consist of a curb cast in the slab and extending four inches above the slab. The manhole shall have a watertight cover having sides which overhang the curb at least two inches.

- A) A vent shall consist of pipe extending above the slab with the open end turned down and not less than six inches above the slab. The open end shall be covered with 24 mesh or finer screen of durable material.
- B) Adequate sized pipe sleeve or sleeves shall be cast in place in the slab to accommodate the type of pump or pump piping proposed for the well.

- c) Bored or Dug Well - Buried Slab Construction. The well casing shall be terminated at a depth of 10 feet or more below the ground surface. Well casing shall meet the requirements in Section 920.90. This casing shall be firmly imbedded in or connected to a pipe cast in a reinforced buried concrete slab. The casing shall be a minimum of



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

four inches in diameter and extend from the concrete slab to at least eight inches above finished ground surface. The annular opening between the casing pipe and the well bore shall be filled with clean earth thoroughly tamped to minimize settling, and mounded to drain away from the well. The contractor shall be responsible for the installation of the backfill. If a pitless adapter is scheduled to be installed within seven calendar days, the earth backfill may terminate one foot below the frost level. The diameter of the well bore below the buried slab shall be a minimum of four inches greater than the outer diameter of the well casing and shall be filled with pea gravel to the well bottom. (See Illustration G.)

- d) Driven Well. The well point, drive pipe and joints shall be structurally suitable to prevent rupture during the driving of the well. If aids to driving are used, such as an augered starting hole or water jetting, the annular space around the drive pipe shall be sealed with cement grout or puddled clay. The type of pump proposed for the well will determine how the top ten feet or more of the well shall be completed. If the working barrel of a hand pump is to be located below ground surface, the upper portion of the well shall be enclosed in steel or iron casing pipe to a point below the barrel. So called "frost pits" curbed with stone, brick, tile, etc., are prohibited.

- 1) A minimum of 10 ft. of casing shall be provided for the drop pipe. (See Illustration H.)
- 2) Driven wells shall not be constructed in basements.
- 3) Well seals or pitless adapter units shall be employed in accordance with the Illinois Water Well Pump Installation Code.
- 4) ~~Driven wells shall be installed in accordance with Illustration H.~~ The casing used in driven wells shall be in compliance with Table A or Table B.
- 5) The drop pipe shall extend below the pumping level and shall be at least 20 feet in length.

- e) Radial Collector Well. Approval of plans for the well shall be obtained from the Department before construction. Factors that will be considered for approval of a radial collector well will include depth of well, types of soil formations, location of well and sources of potential contamination in the surrounding area.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.90 Construction Materials and Other Requirements

- a) Casing and Liner Pipe. In selection of casing and liner pipe, consideration shall be given to the stress to which the pipe will be subjected during construction and the corrosiveness of the water with which it comes in contact. Used or reject pipe shall not be used.

- 1) Steel well casing shall meet one of the following standards: American Society

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

For Testing Materials (ASTM) A-53-90B, A-589-89A, or American Petroleum Institute 5L, March, 1982 Edition and conform to the minimum standards given in Table A.

- 2) Plastic well casing and liners shall meet the requirements of ASTM Standard F480-90E1 and the National Sanitation Foundation Standard (NSF) Number 14-1990, Plastic Piping System Components and Related Materials. Evidence of compliance shall be inclusion in the current NSF listing and display of the NSF seal on each section of casing, and marking the casing in accordance with the requirements of ASTM Standard F-480-90E1.
- 3) Plastic well casing and liners must be Standard Dimension Ratio (SDR) rated and conform to the minimum requirements given in Table B.
- b) Outer Casing. Casing intended for construction purposes only shall be of weight and design as necessary to be watertight and permit installation without distortion or rupture to the specified depth, and shall be removed upon completion of the well.
- c) Joints. All casing and liner pipe joints shall be watertight. When the water well casing is to be extended, the joint shall be a threaded coupling or welding if the casing is metal, or the joint shall be solvent welded if the casing material is plastic.
- d) Screens. Screen openings shall provide the maximum amount of open area consistent with strength of screen and the grading of the water bearing formation or gravel pack. The openings shall permit maximum transmitting ability without clogging or jamming. Screens shall be made of non-corrosive material.
- e) Drive Shoe. Pipe that is to be driven shall be equipped with a drive shoe.
- f) Grouting Guides. ~~Protective Casing~~ casing that is to be pressure grouted in the drill hole or annular opening shall be provided with a centering shoe and shall have sufficient guides or centralizers to permit the unobstructed flow and deposition of the thickness of grout specified.
- g) ~~Pressure~~ Grouting. Procedures and materials for grouting shall be as follows:
  - 1) Concrete Grout. The mixture shall consist of cement, sand and water, in the proportion of one bag of cement (94 pounds), and an equal volume of dry sand to not more than 6 (six) gallons of clean water.
  - 2) Neat Cement Grout. The mixture shall consist of one bag of cement (94 pounds) to not more than six gallons of clean water. Additives such as bentonite or aquajel or similar materials may be added up to 6% by weight to increase fluidity and to control shrinkage.
  - 3) Bentonite Grout. The mixture shall consist of a minimum of 20% solids bentonite clay and water which is an equivalent of 9.4 pounds/gallon.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

4)3) Application. All cement or bentonite grouting shall be performed by adding the mixture from the bottom of the annular opening upward in one continuous operation until the annular opening is filled or to the point of pitless adapter attachment. Bentonite, aquajel, or similar materials may be added to the annular opening in the manner indicated for grouting, prior to the cement grouting, to seal any small crevices or fissures and assure that the annular space is open.

5)4) Setting Time. Drilling operations shall not be resumed until the cement grout has set and hardened for at least 48 hours when hi-early strength cement is used and at least 72 hours when regular cement is used. Setting time may be reduced from 48 hours with hi-early strength cement and 72 hours with regular cement by addition of manufacturers' approved chemicals and following manufacturers' recommendations for setting time.

h) Plumbness and Alignment. The bore of the hole shall be sufficiently plumb and straight to receive the casing without binding. The casing shall be sufficiently plumb and straight that it will not interfere with installation and operation of the pump.

i) Construction Water. Water used in the drilling process shall be obtained from a source which will not result in contamination of the well. All such water shall be treated so as to maintain a free chlorine residual as an extra precaution.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 920.100

Finishing and Testing

a) Upper Terminal. The casing or riser pipe shall be terminated at a height above ground surface consistent with proposed plans for a pump house and pump installation but not less than 8 inches above ground surface or 24 inches above maximum high water level where flooding occurs. The well shall be capped watertight until pump installation is made.

b) Disinfection. Only after the well has been effectively cleaned of all remaining drilling mud and drill cuttings can the well be disinfected. The well contractor shall be responsible for properly disinfecting the well upon completion. Disinfection shall also be done after the pump installation is completed. Sufficient chlorine shall be introduced to give a dosage of 100 parts per million to the water in the well.

1) Drilled Wells. The disinfection of drilled wells shall be accomplished in accordance with the following:

DIAM. WELL IN INCHES	GALLONS PER FT.	AMOUNT OF DISINFECTANT REQUIRED FOR EACH 100 GALLONS OF WATER
3	.37	LAUNDRY BLEACH (5.25% CHLORINE)
4	.65	HYPOCHLORITE GRANULES (70% CHLORINE)
5	1.0	
6	1.5	
8	2.6	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

10 4.1 3 CUPS 2 OUNCES  
12 6.0

1 cup = 8 oz. measuring cup  
(2 cups = 1 pt.; 4 cups = 1 qt.)

1 oz. = 1 heaping tablespoon granules  
(16 oz. = 1 lb.)

A) Determine the amount of water in the well by multiplying the gallons per foot by the number of feet of water in the well.

B) For each 100 gallons of water in the well, use the amount of chlorine liquid or compound given in the above tables. Mix this total amount in about 10 gallons of water. If dry granules or tablets are used, they may be added directly to drilled wells.

C) Pour this solution into the top of the well before the seal is installed.

D) Connect one or more hoses from faucets on the discharge side of the pressure tank to the top of the well casing and start the pump, recirculating the water back into the well for at least 15 minutes. Then open each faucet in the system until a chlorine smell appears. Close all faucets. Seal the top of the well.

E) Let stand for several hours, preferably overnight.

F) After standing, operate the pump, discharging water from all outlets until all chlorine odor disappears. Faucets on fixtures discharging to septic tank systems should be throttled to a low flow to avoid overloading the disposal system.

2) Dug Wells. The disinfection of dug wells shall be accomplished in accordance with the following:

Diameter of well (in feet)	3	4	5	6	7	8	10
Amount of 5.25% laundry bleach to use per foot of water (in cups)	1 1/2	3	4 1/2	6	9	12	18
Amount of 70% Hypochlorite granules to use per foot of water (in ounces)	1	2	3	4	6	8	12

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) The amount of disinfectant required is determined primarily by the amount of water in the well. The table above shows the amount of chlorine to use for each foot of water in the well, according to its diameter.
- B) To determine the exact amount of bleach to use, multiply the amount of disinfectant indicated as determined by the well's diameter times the number of feet of water.
- C) This total amount of bleach shall be added to approximately 10 gallons of water, and splashed around the lining, or wall of the well. Be certain that the solution has contacted all parts of the well, using the entire amount of disinfectant. Seal the top of the well.
- D) When this is done, pump enough water so the strong chlorine odor is evident. When the odor is detected, stop the pumping and allow the solution to remain in the well overnight.
- E) After standing, operate the pump, discharging water from all outlets until all chlorine odor disappears. Faucets on fixtures discharging to septic tank systems shall be throttled to a low flow to avoid overloading the disposal system.
- 3) Water Samples. Upon completion of a new well or modification of an existing well, the contractor shall give the owner information prepared by the Department explaining the importance of water well sampling, procedures for sampling, and how the water can be tested to assure a safe supply of water.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 920.110 Modification of Wells

- a) General. Wells constructed prior to the adoption of this Part may not meet the criteria established. When a well is to undergo modification, reconstruction, or repair, the work shall include those changes necessary to make the well conform to this Part. Where existing wells have buried well seals, the seal shall be replaced with a pitless well adapter or the casing shall be extended above the ground surface in accordance with Section 920.90(c) when the existing well seal is removed.
- b) Well Pits.
- 1) No new well pits shall be allowed.
- 2) Existing pits will be accepted if the following conditions exist:
- A) The well pit shall be structurally sound and watertight. The casing shall extend at least twelve (12) inches above the pit or basement floor and have a well seal to prevent contaminants from entering the well.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) A watertight manhole and cover must be provided for the well pit.
- 3) No existing well pit shall be modified to comply with subsection (b)(2) above. Existing pits which are not in compliance with subsection (b)(2) shall be eliminated. The floor or one wall of the pit shall be broken or removed and the pit filled with compacted earth.
- (Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- Section 920.120 Abandoned Wells
- a) Abandonment of Wells.
- 1) The owner of a water well, boring, or monitoring well shall assure that such well is sealed within thirty (30) days after it is abandoned and when the well is no longer used to supply water or is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety ~~no longer used for the purpose for which it was intended~~. The Department shall grant an extension of this time provided the owner submits a written request to the Department indicating the reasons for the request and an estimate of time in which the well will be either sealed or reused. In granting an extension, the Department must be assured that applicable protective measures will be taken and the methods and materials will be in compliance with the Act and this Part. Applicable protective measures may include ensuring that sources of contamination are down grade from the water source, ensuring isolation of the potential source of contamination in such a manner as to prevent a route of contamination of the ground water, or isolating the potential source of contamination to prevent accidental introduction of contaminants into ground water.

- 2) Water wells shall be sealed by a licensed water well driller pursuant to the Water Well and Pump Installation Contractor's License Act. ~~A person~~ An individual who is not so licensed may seal a well, provided the well is located on land which is owned or leased by such individual and is used by such individual for farming purposes or as such individual's place of abode and provided a request is made to the Department or local health department prior to the commencement of sealing indicating how the water well is to be sealed and the materials to be used. The Department or local health department shall grant approval when requested prior to the commencement of sealing if the methods and materials are in compliance with this Section.

- b) Sealing Requirements. Water wells, borings, or monitoring wells which are abandoned shall be sealed by placing the sealing materials from the bottom of the well to the surface by methods that will avoid segregation or dilution of material in accordance with the following requirements:

- 1) Non-creviced, Consolidated formations. Wells extending into non-creviced sandstone, or other water bearing consolidated formations shall be sealed by



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

filling the well with disinfected clean sand, ~~free of mud or dirt, or with pea gravel or limestone chips~~ to within 10 feet below the top of the water bearing formation or to within 10 feet of the bottom of the casing, whichever is less. Disinfection shall be accomplished by treating the area of the well which penetrates the aquifer in accordance with Section 920.100(b). Neat cement containing bentonite or aquajel from 2% to 6% by weight or pure bentonite in any form shall be placed for a minimum of 20 feet above this point ~~or to the top of the water bearing formation, whichever is greater. An clay-slurry of~~ impervious material shall be used to fill the upper part of the well to the surface.

2) Creviced formations. Wells extended into creviced formations shall be sealed by filling with disinfected clean pea gravel or limestone chips to within 10 feet below the top of the water bearing formation or to within 10 feet below the bottom of the casing whichever is less. Neat cement containing bentonite or aquajel from 2% to 6% by weight, or pure bentonite in any form shall be placed for a minimum of 20 feet above this point ~~or to the top of the aquifer, whichever is greater. An clay-slurry of~~ impervious material shall be used to fill the upper part of the well to the surface.

3) Unconsolidated formations. In the event the water bearing formation consists of coarse gravel and producing wells are located nearby, the well shall be sealed by filling with disinfected clean pea gravel or limestone chips to 10 feet below the top of the water bearing formation. Neat cement containing bentonite or aquajel from 2% to 6% by weight, or pure bentonite in any form shall be placed for a minimum of 20 feet above this point. ~~An Clay-of~~ impervious material shall be used to fill the remaining upper part of the well to the surface. Abandoned wells extending only into unconsolidated formations near the surface can be sealed by completely filling with concrete, cement grout, neat cement or impervious material clay.

4) More than one water bearing formation. Where wells extend into more than one water bearing formation, each water bearing formation shall be sealed independently in the manner described in this Section depending upon the type of formation encountered. A ~~neat-cement~~ plug consisting of neat cement containing bentonite aquajel from 2% to 6% by dry weight, or pure bentonite in any form shall be placed a minimum of 10 feet above and below all intermittent water bearing formations except artesian wells and artesian formations. Disinfected clean pea gravel or limestone chips shall be placed in each water bearing formation between plugs. When the lower formation has an upflow of water into the upper formation, a pressure seal is required to shut off the upflow while the plug is placed and allowed to set. ~~An clay-slurry-of~~ other impervious materials shall be used to fill all other parts of the well between plugs and the upper part of the well to the surface.

5) Artesian wells. In such wells, a cement retainer shall be used with pressure grouting equipment utilized to place cement grout. Neat cement containing bentonite or aquajel from 2% to 6% by dry weight, shall be placed for a

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

minimum of 10 feet below and 10 feet above the water bearing formation. ~~An clay-slurry-of-other~~ impervious materials shall be placed ~~used~~ to fill the upper part of the well to the surface.

6) Where the well casing consists of brick, stone, concrete blocks, porous tile, or other porous material, the casing shall be removed to a depth of at least three (3) feet below the surface.

7) In lieu of any of the requirements in subsection (b) (1) through (6), wells may be sealed by grouting from the bottom up by using neat cement containing bentonite or aquajel from 2% to 6% by weight or combination thereof, or pure bentonite in any form. This material shall be applied the full depth of the well and shall terminate within three feet of the ground surface. Where geologic data does not exist for a particular abandoned drilled water well, such water well shall be sealed from the bottom up to 3 feet below final grade by using neat cement containing bentonite or aquajel from 2% to 6% by weight or combination thereof, or pure bentonite in any form.

c) Non-Producing well. Where a water well is drilled and a water bearing formation is not located, the water well shall be filled with clay, drill cuttings, or neat cement containing bentonite, aquajel or similar materials from 2% to 6% by weight, or pure bentonite in any form by the water well driller not more than ten (10) calendar days after the well has been drilled.

d) The well casing shall be removed to at least 3 feet below final grade, except where the well terminates with a concrete slab. The pump and drop pipe shall be removed.

e) Notification.

1) The Department, approved local health department, or approved unit of local government shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to seal a water, or monitoring well.

2) A sealing form shall be submitted to the Department or approved local health department. ~~The Department shall be notified~~ when a water, boring, or monitoring well is sealed by the individual performing the sealing ~~by the owner of the well~~ not more than 30 days after the well is sealed. The following shall be submitted on forms provided by the Department:

- A) the date the water, boring or monitoring well was drilled;
- B) depth of the water, boring or monitoring well and diameter;
- C) location of the water, boring or monitoring well;
- D) type of sealing method used;
- E) original water well permit number if available;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- F) date the water, boring or monitoring well was sealed;
- G) type of water well (boreding, dug, or drilled);
- H) whether the formation is clear of obstructions;
- I) casing record (explanation of the required removal); and
- J) water well driller's license number and name.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.130 Permit Requirements

- a) Permit. Effective January 1, 1990, a permit to construct or deepen a water well must be obtained from the Department or approved local health department prior to construction.
- b) Application. Application for a permit shall be made on the forms provided by the Department or approved local health department. All applications for permit shall include a plan and drawing of the proposed construction. At a minimum the plan must include:

- 1) a drawing indicating lot size, direction of slope, location of property lines and distances from proposed well construction ~~with dimensions~~ to septic tanks, ~~location of any abandoned wells, property lines, seepage fields, sewers, and all other sources of contamination, and an indication of the type of contamination source;~~
- 2) water well driller's license number and name;
- 3) estimated daily pumping capacity;
- 4) the location of the water well including, county, city, street address or lot number, township, range, directions to the site (i.e., subdivision lot number, highway number, secondary roads, signs to follow, etc.), and section;
- 5) name and address of the owner of the well;
- 6) type of well to be constructed (bored, ~~dug~~-~~or~~ drilled or driven);
- 7) an estimate of the depth of the well; and
- 8) type of well (i.e., non-potable use well such as an irrigation, livestock or industrial water well, agricultural well, private water well, semi-private water well, or non-community public water well).

- c) Expiration. A permit is void if construction has not commenced within one year of

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

date of issuance.

- d) Water Well Fee. The fee to be paid for a permit to construct or deepen a water well shall be \$100.00 ~~\$5.00~~.
- e) The Department shall grant permit requests which meet the requirements of the Act and this Part. The Department's standards for denial of a permit request are set forth in subsection (f).
- f) Groundwater Contamination.

- 1) The Department shall deny the approval of a permit request when available information indicates that the groundwater aquifer contains contamination which exceeds the Class I groundwater standards adopted in the Groundwater Quality Standards Code (35 Ill. Adm. Code 620) ~~renders the water unsafe under the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900)~~. A potential public health problem may be detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of water supply, type of construction or information from previous well owners which might indicate the water would be too hazardous to drink.
- 2) The Department shall grant approval of a request for a permit when approved treatment is shown to reduce contaminant levels below the levels of recognized health advisories or established by the Department and the federal government and referenced below. Such treatment includes, but is not limited to, sampling for additional contaminants, more frequent sampling for contaminants, or imposing of maximum contaminant levels specified in the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900), ~~National Primary Drinking Water Regulations (40 CFR 141 and 142, July 8, 1987 52 Fed. Reg. 25690 through 25777)~~, or in recognized public health advisories concerning the safety of drinking water issued by the Department or U.S.E.P.A.

- g) Notification. Effective January 1, 1990, any person who constructs or deepens a water well for which a permit has been issued under this Part, shall notify the Department, or approved local health department, or approved unit of local government by telephone or in writing at least two days prior to commencement of the work.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.140 Administrative Hearings

All ~~Any~~ administrative hearings shall be conducted in accordance with the Department's Rules of Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.150 Designation of Agents of the Department



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

a) The Department may designate and use full-time municipal, district, county, or multi-county health departments as its agents for the purpose of performing inspections of water well construction, investigating complaints, inspecting existing water wells and inspecting the work of water well drillers. Such health departments which desire approval as an agent shall make such request in writing to the Department.

b) The Department shall designate such health departments as its agent provided the health department agrees to issue permits for the construction of all new water wells, perform inspections of all water wells for which a permit has been issued by the health department, inspect all non-community public water supplies and collect required samples, and inspect the sealing of all abandoned water wells and enters into a written agreement with the Department for the conduct of an inspection program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 920.160

Issuance of Water Well Permits by Units of Local Government or Local Health Departments

a) Approval. A unit of local government or local health department may issue water well construction permits provided such units of local government or local health department adopt an ordinance which requires the unit of local government to issue water well permits, and which establishes a system for the inspection of water well construction and regulation and provided such ordinance is approved by the Department. The unit of local government or local health department may charge a permit fee not to exceed \$100.00.

b) In order to receive approval of an ordinance, the unit of local government or local health department must submit a request for approval from the Department and must submit a copy of such ordinance including all amendments. The ordinance shall be approved by the Department provided the ordinance:

- 1) has been adopted by the unit of local government or local health department and shall be in effect;
- 2) adopts the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);
- 3) requires the inspection by the unit of local government or local health department of each water well for which a permit is issued and the sealing of each abandoned water well, boring, or monitoring well within its jurisdiction. The unit of local government or local health department shall enter into a written agreement with the Department to conduct inspections.

c) Required Information. An approved unit of local government or local health department which has an ordinance approved by the Department in accordance with subsection (a) of this Section shall submit to the Department the information listed in Section 920.130(b) of this Part for each water well permit issued. This information shall be submitted within 30 days of issuance of the date of issuance of the permit and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

shall be submitted on forms provided by the Department.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 920.170 Monitoring Wells

This Section shall apply to all monitoring wells, except those wells installed to monitor chemicals leaking from underground storage tanks which are installed within the excavation made for the installation of the underground storage tank.

a) Casing. All monitoring wells shall have casing which meets the requirements of Section 920.90(a), except where the design specifications require the use of another material. Threaded joints shall be required where plastic casing is used. Casing must be clean, free of rust, grease, oil or contaminants and be composed of materials, including but not limited to steel and plastic, that will not affect the quality of the water sample. All casing shall be watertight. The casing shall be centered in the borehole, be free of any obstructions and allow sampling devices to be lowered into the well.

b) Well Screen. All monitoring well screens shall be constructed of non-corrosive and non-reactive material. All well screens shall be permanently joined to the well casing and shall be centered in the borehole.

c) Filter Packs. All monitoring wells installed in unconsolidated material shall be constructed with filter packs. When used, the filter pack shall be the only material in contact with the well screen.

1) The filter pack shall consist of sand or gravel. The sand or gravel used for filter packs shall have an average specific gravity of not less than 2.50. The filter pack material shall be sized to match the screen slot size and the surrounding formation to prevent the formation materials from entering the screen. The sand or gravel shall be free of clay, dust and organic matter. Crushed limestone, dolomite or any material containing clay or any other material that will adversely affect the performance of the monitoring well shall not be used as filter pack.

2) Installation. The filter pack shall extend a maximum of 6 inches below the bottom of the screen to 2 feet above the top of the screen. For water table observation wells constructed in areas where the depth to the water table is less than 5 feet, the required filter pack height above the top of the well screen may be reduced to 6 inches to allow for the required amount of annular space sealant to be placed.

d) Grouting Requirements. All materials and procedures used in the installation of annular seals for groundwater monitoring wells shall meet the requirements of this Section. The annular sealing material above the filter pack shall prevent the migration of fluids from the surface and between aquifers. Sealing material shall be chemically compatible with anticipated contaminants.



## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Annular Space Seal. All monitoring wells shall be installed with an annular space seal. The annular seal shall extend from the top of the filter pack to the surface.
- 2) Above Ground Surface Completion. Where the monitoring well does not terminate flush with the ground surface in accordance with Section 920.170(d)(3), the casing shall extend at least 8 inches above the ground surface. The top of the casing shall be provided with a locking cap. If the monitoring well is located in a floodplain, the cap shall be watertight. Protective devices, such as rings of brightly colored posts around the well, shall be installed in areas where the casing is likely to be struck by farm vehicles or by individuals who are unaware of the existence of the well.
- 3) Ground Surface Completion. Monitoring well casing may terminate at the ground surface provided a flush-mounted well completion pipe is installed over the casing. The flush-mounted completion pipe shall consist of a metal casing at least four inches larger in diameter than the well casing. Monitoring wells terminating at the surface may be allowed only in areas traveled by vehicles. The flush-mounted well completion pipe shall have a water tight seal and the annular opening seal around the well completion pipe shall be grouted. The well casing shall be sealed with a watertight locking cap.
- e) Drilling Methods and Fluids. The drilling method shall introduce the least possible amount of foreign material into the borehole, produce the least possible disturbance to the formation and permit the proper construction and development of the required diameter well. Water from a source free of bacterial and chemical contamination shall be used in the drilling fluid mixture.
- f) Disposal and Decontamination.
- 1) All drill cuttings and fluids and surge and wash waters from borehole and monitoring well construction and development shall be disposed of in a manner which will not result in contamination of the immediate area or result in a hazard to individuals who may come in contact with these materials.
- 2) All monitoring well construction equipment shall be decontaminated by washing and triple rinsing or high pressure heat cleaning to prevent cross-contamination of monitoring wells or in accordance with design specifications, whichever is more stringent.
- g) Special Circumstances and Exceptions.
- 1) The Department may require more restrictive or alternative well material, assembly or installation if the contaminant concentrations or geologic setting require alternative construction.
- 2) Variances to the requirements of this subsection may be approved by the Department prior to installation or abandonment. A variance request shall

state the reasons why compliance with the rule is impractical or impossible. The Department shall approve a variance when it can be shown that the particular contaminant or drilling method requires alternative materials or procedures to safeguard against contamination of the groundwater.

- h) Abandonment or Decommissioning of Monitoring Wells. All abandoned monitoring wells shall be sealed in accordance with Section 920.120.
- i) Reporting. Within 30 days after a monitoring well has been constructed or abandoned, the owner, designer or consulting firm shall submit a report of construction or abandonment to the Department on such forms as are prescribed and furnished by the Department.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 920.180 Closed-Loop Wells

- a) Construction. Each closed-loop well shall be grouted from a minimum of 30 feet below the top of the well upward in one continuing pour. Grouting materials shall consist of neat cement, or neat cement containing bentonite or aquagel from 2% to 6% by dry weight, or pure bentonite in any form ~~the materials listed and be performed in accordance with Section 920.120(b).~~ Closed-loop wells shall not be located closer than 200 feet from a water well, except when the well is a private water system well and when the owner is the same for both the water well and the closed-loop well, in which case the water well shall not be closer than 75 feet from the closed-loop well.
- b) Piping Pressure. The liquid in the closed-loop piping shall be maintained under pressure. The equipment shall be designed to shut down if there is any pressure loss in the system. The system must be pressure tested at a minimum pressure of 20 pounds per square inch by the installer after installation to ensure that there are no leaks in the piping or in the equipment system.
- c) Coolant. The solution used as coolant or the liquid which is pumped through the closed-loop well piping must be methanol, ethanol, propylene glycol, calcium chloride or ethylene glycol. These chemicals may be used only in concentrations of 20% or less. When copper piping is utilized, the coolant shall be hydrochlorofluorocarbon-22, or any equivalent refrigerant with less ozone depletion potential.
- d) Piping. All plastic piping shall be watertight and shall conform to ASTM D2666-89, D2447-89, D3035-91 ~~89A~~. All copper piping system and joints shall be watertight and conform to UL 1995. All joints in plastic piping shall be heat fusion welded.
- e) Abandonment. All vertical piping in closed-loop wells which is abandoned shall be physically disconnected from the horizontal piping and filled with bentonite or neat cement, grout by pressure grouting. All joints in piping shall be heat-fusion-welded. All horizontal piping which is abandoned shall be removed or the coolant must be drained from the piping and disposed of off-site in accordance with State and local laws.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- f) Horizontal Piping Distances to Water Wells. Horizontal piping in a closed-looped system shall not be closer than 25 feet to any water well.
- g) Distances to Sources of Contamination. Closed-loop wells shall not be closer to the sources of contamination listed in Section 920.50(b)(1) than the distances to water wells specified in this Section.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 920.190Assurance of Potable Water Supply

The owner of a potable water well, which has been contaminated due to the actions of the owner or operator of a potential primary or potential secondary source or of a potential route, shall be provided with an alternative source of potable water or treatment of the water supply by the owner or operator of the contamination source or route. For the purposes of this Part, the water well shall be considered contaminated when it exceeds Class I groundwater standards adopted in the Groundwater Quality Standards Code (35 Ill. Adm. 620).

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Section 920.TABLE A  
Steel Casing and Linear Pipe Weights and Dimensions

SIZE in.	DIAMETER (in.)		THICKNESS in.	WEIGHT (lbs. per ft.)	
	External	Internal		Plain ends (calculated)	With threads and couplings (nominal)
1	1.315	1.049	0.133	1.68	1.70
1-1/4	1.660	1.380	0.140	2.27	2.30
1-1/2	1.900	1.610	0.145	2.72	2.75
2	2.375	2.067	0.154	3.65	3.75
2-1/2	2.875	2.469	0.203	5.79	5.90
3	3.500	3.068	0.216	7.58	7.70
3-1/2	4.000	3.548	0.226	9.11	9.25
4	4.500	4.026	0.237	10.79	11.00
5	5.563	5.047	0.258	14.62	15.00
6	6.625	6.065	0.280	18.97	19.45
8	8.625	8.071	0.277	24.70	25.55
10	10.750	10.136	0.307	34.24	35.75
12	12.750	12.090	0.330	43.77	45.45
14	14.000	13.250	0.375	54.57	57.00
16	16.000	15.250	0.375	62.58	65.30
18	18.000	17.250	0.375	70.59	73.00
20	20.000	19.250	0.375	78.60	81.00

Pipe sizes not listed that are less than 8 inches in diameter shall be Schedule 40 pipe as a minimum.

Pipe sizes not listed that are 8 inches in diameter or greater shall be Schedule 30 pipe as a minimum.

Pipes for driven wells shall be Schedule 40 ~~metallic~~ as a minimum.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Section 920. TABLE B  
Plastic Casing and Liner Pipe Specifications

SIZE (Inches)	SDR	EXTERNAL DIAMETER (Inches)	MINIMUM WALL THICKNESS (Inches)
2	-	2.375	0.154
2-1/2	-	2.875	0.023
3	-	3.500	0.216
3-1/2	-	4.000	0.226
4	-	4.500	0.237
4-1/2	-	4.950	0.248
5	21	5.563	0.265
6	21	6.625	0.316
8	26	8.625	0.332
10	26	10.750	0.413
12	26	12.750	0.490
14	26	14.000	0.539
16	26	16.000	0.616

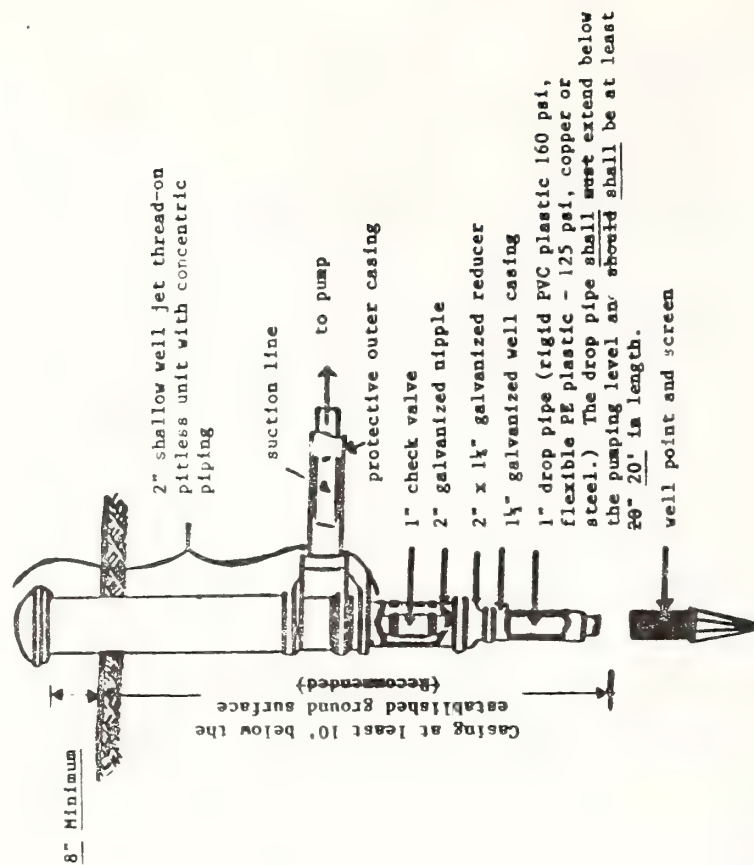
Pipe sizes 2 inches, 2 1/2 inches, 3 inches, 3 1/2 inches 4 inches and 4-1/2 inches shall be Schedule 40 pipe at a minimum.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Illustration H - Installation of a Driven Well



(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

- 1) Heading of Part: Motorcyclists' Eye Protection
- 2) Code Citation: 92 Ill. Adm. Code 457
- 3) Section Numbers:
- |          |                        |
|----------|------------------------|
| 457.1000 | <u>Proposed Action</u> |
| 457.1010 | New Section            |
| 457.1020 | New Section            |
- 4) Statutory Authority: Implementing and authorized by Section 11-1404 of the Illinois Rules of the Road Law [625 ILCS 5/11-1404].
- 5) A complete description of the subjects and issues involved:  
By this Notice of Proposed Rules, the Department is establishing standards to meet the statutory requirements of 625 ILCS 5/11-1404. Paragraph 11-1404 requires the Department to establish standards for eye protection devices which operators and passengers must wear while operating motorcycles, motor driven cycles and motorized pedalcycles in Illinois.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Part affects units of local government in that local law enforcement agencies must be aware of the Department's standards in order to enforce 625 ILCS 5/11-1404.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Regulations and Training Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P. O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Planning and Program Support Section; 3rd Floor  
Springfield

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking will not affect small businesses in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping or other procedures are necessary for compliance with this Part.
- C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance with this Part.

The full text of the Proposed Rules begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

Title 92: Transportation  
 Chapter I: Department of Transportation  
 Subchapter e: Traffic Safety (except hazardous materials)

Part 457  
 Motorcyclists' Eye Protection

Section  
 457.1000  
 457.1010  
 457.1020

Purpose  
 Definitions  
 Eye Protection Requirements

AUTHORITY: Implementing and authorized by Section 11-1404 of the Illinois Rules of the Road Law [625 ILCS 5/11-1404]

SOURCE: Adopted at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

**Section 457.1000 Purpose**

This Part prescribes the requirements for eye protection devices used by operators and passengers of motorcycles, motor driven cycles or motorized pedalcycles in Illinois.

**Section 457.1010 Definitions**

"Code" - The Illinois Vehicle Code [625 ILCS 5/1-100 through 50/1].

"DEPARTMENT" - THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, ACTING DIRECTLY OR THROUGH ITS DULY AUTHORIZED AGENTS OR OFFICERS. (Section 13-100 of the Code)

"Eye Protection Devices" - Includes "glasses," "goggles," and "transparent shields."

"Face shield" - Shatter-resistant protective device attached to a helmet or headband that covers the wearer's eyes and face at least to a point approximately to the tip of the nose. (Vehicle Equipment Safety Commission (VESC), Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, July 1980)

"Glasses" - Ordinary eye pieces such as spectacles or sunglasses worn before the eyes having two separately mounted lenses made of plastic or glass. (Vehicle Equipment Safety Commission (VESC), Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, July 1980)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

"Goggles" - A device worn before the eyes, the predominant function of which shall be to protect the eyes without obstructing peripheral vision. They shall provide protection from the front and sides and may or may not form a complete seal with the face. (Vehicle Equipment Safety Commission (VESC), Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, July 1980)

"Headband" - That part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto. (Vehicle Equipment Safety Commission (VESC), Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, July 1980)

"MOTORCYCLE" - EVERY MOTOR VEHICLE HAVING A SEAT OR SADDLE FOR THE USE OF THE RIDER AND DESIGNED TO TRAVEL ON NOT MORE THAN THREE WHEELS IN CONTACT WITH THE GROUND, BUT EXCLUDING A TRACTOR. (Section 1-147 of the Code)

"Motorcyclist" - Any person who operates a motorcycle, motor driven cycle or motorized pedalcycle.

"MOTOR DRIVEN CYCLE" - EVERY MOTORCYCLE AND EVERY MOTOR SCOOTER WITH LESS THAN 150 CUBIC CENTIMETER PISTON DISPLACEMENT INCLUDING MOTORIZED PEDALCYCLES. (Section 1-148 of the Code)

"MOTORIZED PEDALCYCLE" - A MOTOR-DRIVEN CYCLE WHOSE SPEED IS ATTAINABLE IN ONE MILE IS 30 MPH OR LESS, WHICH IS EQUIPPED WITH A MOTOR THAT PRODUCES TWO BRAKE HORSEPOWER OR LESS. IF AN INTERNAL COMBUSTION ENGINE IS USED, THE DISPLACEMENT SHALL NOT EXCEED 50 CUBIC CENTIMETER DISPLACEMENT AND THE POWER DRIVE SYSTEM SHALL NOT REQUIRE THE OPERATOR TO SHIFT GEARS. (Section 1-148.2 of the Code)

"Transparent Shield" - See "face shield."

"VESC-8" - Guidelines established by the Vehicle Equipment Safety Commission which address the minimum requirements for motorcyclists' eye protection.

**Part 457.1020 Eye Protection Requirements**

- (a) THE OPERATOR OF A MOTORCYCLE, MOTOR DRIVEN CYCLE OR MOTORIZED PEDALCYCLE AND EVERY PASSENGER THEREON SHALL BE PROTECTED BY GLASSES, GOGGLES OR A TRANSPARENT SHIELD. THE DEPARTMENT SHALL DETERMINE THE STANDARDS FOR THIS EQUIPMENT. (Section 11-1404 of the Code)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULES

- (b) Contact lenses are not acceptable as eye protection devices and shall not be included within the scope of this Part. (Vehicle Equipment Safety Commission (VESC), Regulation VESC-8, Minimum Requirements for Motorcyclists' Eye Protection, July 1980)
- (c) Windshields are not acceptable as eye protection devices and shall not be included within the scope of this Part.
- (d) Eye protection devices shall consist of shatter-resistant material so manufactured, fabricated, or created as to substantially prevent shattering or flying when struck or broken.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Fees and Taxes
- 2) Code Citation: 92 Ill. Adm. Code 1205
- 3) Section Numbers: Adopted Action:  
     1205.10 Amend  
     1205.20 Repeal  
     1205.110 Amend  
     1205.200 Repeal
- 4) Statutory Authority: Implementing Sections 18c-1202 (9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9) of The Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 (9), 1501, 1502, and 5102].
- 5) Effective Date of Amendment: July 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this contain incorporations by reference? Yes.
- 8) Date Filed in Agency's Principal Office: June 10, 1994
- 9) Notice of Proposal Published in Illinois Register: December 17, 1993 at 17 Ill. Reg. 21250.
- 10) Has JCAR issued a Statement of Objections to this Amendment?  
     No.
- 11) Difference(s) between proposal and final version: The proposed continuance fee in Section 1205.10 (n) has been eliminated. Also, the nomenclature of the \$30 fee for "annual report and tariff filing" found at Section 1205.10 (j) has been changed. The fee is really for tariff maintenance and has been so characterized.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
     Yes.
- 13) Will this Amendment replace an emergency Rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.



ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Adopted Amendment: The Transportation Division is altering its current fee schedule.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathy Campbell  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217)785-1018

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENT  
TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1205  
FEES AND TAXES

SUBPART A: FILING FEES

Section	
1205.10	Filing Fees
1205.20	Late-Filing Fees (Repealed)

SUBPART B: FRANCHISE AND FRANCHISE RENEWAL FEES

Section	
1205.100	Intrastate Motor Carriers of Property
1205.110	Interstate Motor Carriers of Property
1205.115	Ordering Fees

SUBPART C: GROSS RECEIPTS TAXES

Section	
1205.200	Gross Receipts Taxes for Motor Carriers of Passengers (Repealed)
1205.210	Gross Receipts Taxes for Rail Carriers
1205.220	Gross Receipts Taxes for Common Carrier Pipelines

SUBPART D: PAYMENT PROCEDURES

Section	
1205.300	Payment of Fees

AUTHORITY: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1501, 18c-1502, and 18c-5102]

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1497, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9853, effective May 8, 1987; amended at 12 Ill. Reg. 15540, effective October 1, 1988; amended at 13 Ill. Reg. 11460, effective July 1, 1989; amended at 17 Ill. Reg. , effective JUL 01 1994

NOTE: Capitalization denotes statutory language.

SUBPART A: FILING FEES

Section 1205.10 Filing Fees

Filing fees for proceedings under the Illinois Commercial Transport-

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

tation Law (Ill. Rev. Stat., ch. 95 1/2, par. 18c-1101 et seq.) [625 ILCS 5.18c-1101 et seq.] shall be as follows:

- a) Motor carrier of property license applications application
- 1) Applications Application for new licenses license
    - A) Applications Application for temporary authority \$300
    - B) Applications Application for emergency temporary authority \$300
    - C) Other applications application for new licenses license (less than general commodity) \$600
    - D) General commodity applications application (common or contract) \$900
  - 2) Applications Application for extended licenses license
    - A) For temporary authority \$300
    - B) For emergency temporary authority \$300
    - C) Other applications application for extended licenses license \$600
  - 3) Applications Application to transfer licenses license
    - A) Transfers Transfer under Section 18c-4306 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-4306) \$300
    - B) Other applications application to transfer licenses license \$600
  - 4) Applications Application to reinstate a suspended or revoked license or vacated order \$600
  - 5) Petitions to reinstate a vacated license
    - A) For a vacated new license \$600

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- B) For a vacated transferred license \$600
- C) For a vacated extended license \$600
- 6 5) Applications Application for new or extended non-relocation towing licenses license \$600
- b) Petitions Petition to restate commodity descriptions description \$25
- c) Petitions Petition for certificates certificate of exemption \$600/300
- d) Petition for interpretation of authority \$250
- e) Petition to amend authority \$75
- f) Petition for name change \$75
- d g) Rate filings \$-0
- 1) Rates which must be filed but for which no order authorizing the rate is required \$-0
- 2) Applications for authority to establish a rate other than by special permission and not including applications for authority to establish a released value rate \$300
- 3 1) Applications Application for authority to establish a released value rate \$75
- 4 2) Special permission applications application \$75
- e h) Applications Application to register as an exempt interstate motor carrier of property or passengers \$25
- 1) Applications to register as an authorized interstate motor carrier of property \$25
- 2) Applications to register as an exempt interstate motor carrier of property \$25
- f i) Motor carrier of property equipment lease filing \$25
- g j) Motor carrier of property annual report

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

and tariff auditing fee (due by May 15 of each year) tariff maintenance fee, payable by December 31 of each year. \$ 30

\* k) Motor carrier of property proof of insurance coverage filing \$ 25

i) Interstate motor carrier of passengers registration \$ 25

j) 1) Broker's license applications application

1) Applications Application for broker's licenses \$600

2) Applications Application to transfer broker's license \$300

\* m) Intervention \$ 25 per intervenor

(Source: Amended at 18 Ill. Reg. , effective JUL 0 1 1994 )

## Section 1205.20 Late-Filing Fees Repealed

a) Prescription of Late-Filing Fees. Late-filing fees prescribed under this Section shall apply where a motor carrier of property has failed to file an annual report in compliance with 92 Ill. Adm. Code 1303.

b) Initial Period Fee. The late-filing fee for an initial period consisting of the remainder of the calendar month plus, if fewer than 10 days remain after the filing deadline in the calendar month, the next calendar month shall be \$100.

c) Additional Fees. For each calendar month or portion thereof greater than four days after expiration of the initial period, the late-filing fee shall be \$50 up to a maximum of \$500 (including the initial period fee).

d) Accrual of Fees. Late-filing fees shall begin to accrue on the first working day after the filing deadline. Late-filing fees shall continue to accrue until the Commission receipt stamp or postmark date of the filing by which compliance with the filing requirement is made, whichever is earlier.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

e) This Section applies only to those annual reports due May 15, 1987.

(Source: Repealed at 18 Ill. Reg. , effective JUL 0 1 1994 )

## SUBPART B: FRANCHISE AND FRANCHISE RENEWAL FEES

## Section 1205.110 Interstate Motor Carriers of Property

The annual franchise or franchise renewal fee for each vehicle operated by or under authority of an interstate motor carrier of property is \$7.00 for calendar 1988 and subsequent years.

(Source: Amended at 18 Ill. Reg. , effective JUL 0 1 1994 )

## SUBPART C: GROSS RECEIPTS TAXES

## Section 1205.200 Gross Receipts Taxes for Motor Carriers of Passengers Repealed

The level of gross receipts tax for motor carriers of passengers is 1% of annual gross receipts.

(Source: Repealed at 18 Ill. Reg. , effective JUL 0 1 1994 )



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Financial Responsibility of Carriers  
2) Code Citation: 92 Ill. Adm. Code 1425

3) Section Numbers: Adopted Action:

1425.10 Amend  
1425.20 Amend  
1425.30 Amend  
1425.40 Amend

- 4) Statutory Authority: Implementing Sections 18c-1901 through 18c-1905 and authorized by Section 18c-1202(9) of The Illinois Commercial Transportation Law [625/ILCS 5/18c-1101, 5/18c-1202(9), and 5/18c-1901 through 1905].

- 5) Effective Date of Amendment: July 1, 1994

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this amendment contain incorporations by reference? Yes

- 8) Date Filed in Agency's Principal Office: June 8, 1994

- 9) Notice of Proposal Published in Illinois Register:

October 29, 1993, at 17 Ill. Reg. 18715.

- 10) Has JCAR issued a Statement of Objections to this Amendment?  
No

- 11) Difference(s) between proposal and final version:  
Dates have been added to Sections 1425.30 and 1425.40 specifying the last amendment dates for the referenced Federal Code.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment:  
These amendments bring the Commission's minimum insurance

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

requirements up to levels required at the federal level for interstate carriers.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathy Campbell  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
(217)785-4869

The full text of the Adopted Amendment begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

## TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

## PART 1425

## FINANCIAL RESPONSIBILITY OF CARRIERS

## SUBPART A: INSURANCE OR BOND COVERAGE

- Section  
1425.10 Licenses Conditioned Upon Compliance With Insurance Requirements
- 1425.20 Proof of Insurance or Bond Coverage
- 1425.30 Public Liability and Property Damage Coverage
- 1425.40 Cargo Damage Coverage
- 1425.50 Collect On Delivery ("C.O.D.") Bond Coverage

## SUBPART B: SELF-INSURANCE

- Section  
1425.110 Effect of Qualification as Self-Insurer
- 1425.120 Minimum Requirements for Self-Insurers
- 1425.130 Reports to be Filed by Self-Insurers
- 1425.140 Revocation of Authorization to be a Self-Insurer
- 1425.150 Reinstatement

**AUTHORITY:** Implementing Sections 18c-1901 through 18c-1905 and authorized by Section 18c-1202(9) of The Illinois Commercial Transportation Law [625/ILCS 5/18c-1101, 5/18c-1202(9), and 5/18c-1901 through 1905].

**SOURCE:** Emergency rule at 4 Ill. Reg. 2, p. 237, effective January 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 23, p. 71, effective May 28, 1980; codified at 8 Ill. Reg. 13670; Part recodified at 10 Ill. Reg. 18002; Part repealed, new Part adopted at 11 Ill. Reg. 16472 and 16518, effective October 1, 1987; amended at 18 Ill. Reg. , effective .

## SUBPART A: INSURANCE OR BOND COVERAGE

- Section 1425.10 Licenses Conditioned Upon Compliance With Insurance Requirements

A license or registration issued by the Illinois Commerce Commission ("Commission") to a motor carrier of property has force and effect only while the carrier is in compliance with requirements for the filing of proof of insurance or bond coverage.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994.)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

## Section 1425.20 Proof of Insurance or Bond Coverage

- a) The Illinois Commerce Commission incorporates by reference 49 CFR 1023.51 through 1023.65, 1023.71, 1023.72, and 1023.81 as of December 1, 1986, as its regulations governing the filing of proof of insurance or bond coverage or cancellation, except as otherwise provided in this Part.
- b) The filing of such proof shall constitute acceptance of the minimum terms required by this Part or by statute and shall bind the insurance company thereto.
- c) Such coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is cancelled by the filing of a subsequent form E or H certificate of insurance.
- d) Regulated interstate motor carriers of property which use Illinois as their registration state shall may file a copy of a valid, current license issued by the Interstate Commerce Commission in lieu of a certificate of copy of public liability and property damage insurance or bond coverage that is filed with the Interstate Commerce Commission in accordance with the provisions of Section 11506 of the Interstate Commerce Act (49 USC 11506).

- e) No incorporation in this Section contains any later amendments or editions.

- f) For Illinois domiciled carriers, and for Illinois licensed intrastate carriers, regardless of domicile, such coverage shall be executed by an admitted insurance company authorized under the laws of the state of Illinois to deliver commercial automobile insurance contracts within the state.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994.)

## Section 1425.30 Public Liability and Property Damage Coverage

The minimum amounts of public liability and property damage insurance coverage required of a all motor carriers of property are as follows: shall be the amounts required by 49 CFR 1043.2. November 13, 1990, "Security for the protection of the public: Minimum limits".

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

~~a) Intrastate motor carriers of property and exempt interstate motor carriers of property, \$100,000 liability for the injury to or death of each person up to a total of \$300,000 for all persons injured or killed in any one accident, \$50,000 for loss of or damage to property, other than cargo for any one accident.~~

~~b) Regulated interstate motor carriers of property, regulated interstate motor carriers of property must file proof of public liability and property damage insurance or bond coverage in amounts prescribed in or pursuant to 49 U.S.C. 10927.~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994 )

## Section 1425.40 Cargo Damage Coverage

a) The minimum amounts of cargo damage coverage required of ~~a~~ all motor common carriers of property ~~are as follows:~~ shall be as required by the provisions of 49 CFR 1043.2(-CL, November 13, 1990, except as specified in subsection (b) below.

~~1) Intrastate motor common carriers of property generally, \$10,000 liability for the cargo carried on each vehicle at any one time.~~

~~2b) The minimum amounts of cargo damage coverage required of intrastate motor common carriers of property transporting unprocessed agricultural commodities and ordinary livestock shall be \$5,000 liability for the unprocessed agricultural commodities, milk in bulk, commodities in dump-type vehicles, or ordinary livestock carried on each vehicle at any one time.~~

~~bC) Waiver of Requirement. An intrastate motor common carrier of property may be excused from the requirement of filing proof of cargo insurance if:~~

1) The carrier has filed with the Commission a completed copy of the Commission's Cargo Insurance Waiver Affidavit form stating that the carrier will not, at any time, carry in any vehicle cargo with a value exceeding \$5,000, and the carrier does not, at any time, carry cargo in any vehicle with a value exceeding \$5,000; and

2) The carrier advises each shipper in writing, prior

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENT

to rendition of the service, that it does not carry the minimum level of cargo insurance. The burden of proving compliance with this latter requirement shall be on the carrier.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994 )



## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hearings
- 2) Code Citation: 11 Ill. Adm. Code 1700
- 3) Section Numbers: Adopted Action:  
 1700.10 Amended  
 1700.20 Amended  
 1700.30 Amended  
 1700.40 Amended  
 1700.50 Amended  
 1700.80 Amended  
 1700.110 Amended  
 1700.120 Amended  
 1700.140 Amended  
 1700.150 Amended  
 1700.160 Amended  
 1700.170 Amended  
 1700.180 Amended  
 1700.190 Amended  
 1700.200 New Section  
 1770.210 New Section
- 4) Statutory Authority: Implementing by Sections 7.1 and 7.3, and authorized by Section 7.1, of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.3) [20 ILCS 1605/7.1 and 7.3] and Executive Order 86-2, effective July 1, 1986.
- 5) Effective Date of Amendments: JUL 01 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) Date filed in Agency's principal office? June 30, 1994
- 9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 5394, April 8, 1994
- 10) Has JCAR issued a Statement of Objections to this Rule?: No
- 11) Difference(s) between proposal and final version:
1. Authority note, comma inserted after "Section 7.1."
  2. In Section 1700.10(b), changed:
    - (a) "The Secretary shall," to "The Secretary,"
    - (b) "3 days of" to "3 days after" and

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENTS

3. (c) "request, notify" to "request, shall notify."  
 In Section 1700.10(c), changed "20 days from" to "20 days after."
4. In Section 1700.10(f):  
 (a) changed "5/3-101 et seq." to "5/Art. III" and  
 (b) struck ", as amended" after "Administrative Review Law."
5. In Section 1700.30, changed "20 days of" to "20 days after."
6. In Section 1700.110, changed "48 hours of" to "48 hours before."
7. In Section 1700.140(a), inserted the citation "(Ill. Rev. Stat. 1991, ch. 127, par. 1040(b)) [5 ILCS 100/10-40(b)]" after "facts."
8. In Section 1700.160, deleted the comma after "transcript from the Department."
9. In Section 1700.180, changed "20 days from" to "20 days after."
10. In Section 1700.200:  
 (a) inserted "Section 10-25 of the" before "Illinois Administrative Procedure Act" and  
 (b) deleted ", Section 10-25" after "Illinois Administrative Procedure Act."
11. In Section 1700.210(a), inserted a period after "purposes of this Section" and deleted the period after the ILCS citation.
12. In Section 1700.210(b), inserted a period after "the Board or the Director" and deleted the period after the ILCS citation.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? Yes
- 15) Summary and purpose of amendments: These amendments bring the Lottery's hearing rules into compliance with the Administrative Procedure Act by defining and prohibiting ex parte communication, establishing a procedure for hearing officer disqualification, and requiring notices to comply with Section 10-25 of the APA; update statutory citations; extend the deadline for forwarding the record under Motions for Review from 75 to 85 days; establish deadlines for the submission of interrogatories during discovery and for

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENTS

submission of a hearing request where there is no opportunity for a hearing prior to a licensing action; clarifies the procedures for appointment of hearing officers; revises the procedure for providing transcripts to parties; authorizes the Secretary of the Lottery Control Board to set informal, pre-hearing conferences for the purpose of achieving settlement; recognizes the U.S. Postal Service's differentiation between "undelivered" and "unclaimed" mail; and makes various stylistic changes.

- 16) Information and questions regarding these adopted amendments should be directed to:

Lisa A. Crites, Rules Coordinator  
Illinois Department of the Lottery  
201 East Madison Street  
Springfield, Illinois 62702

The full text of the amendments begins on the next page:

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE C: LOTTERY

## CHAPTER 11: DEPARTMENT OF THE LOTTERY

PART 1700  
HEARINGS

Section	
1700.10	General Explanation of Procedure
1700.20	Notice of Denial of Application
1700.30	Notice of Revocation or Suspension of License
1700.40	Notice of Refusal to Renew License
1700.50	Informal Conference
1700.60	Right to Legal Counsel
1700.70	Appearance of Attorney
1700.80	Service and Proof of Service
1700.90	Form of Papers
1700.100	Motions
1700.110	Continuances
1700.120	Discovery
1700.130	Subpoenas
1700.140	Witnesses
1700.150	Evidence at Hearings
1700.160	Court Reporter
1700.170	Corrections to Transcripts
1700.180	Findings, Conclusions and Recommendations
1700.190	Final Disposition by Director
1700.200	Disqualification of a Hearing Officer
1700.210	Ex Parte Communications

AUTHORITY: Implementing Sections 7.1 and 7.3, and authorized by Section 7.1, of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.3) [20 ILCS 1605/7.1 and 7.3] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12966, effective July 22, 1986, for a maximum of 150 days; Chapter and Part number corrected at 10 Ill. Reg. 19594; adopted at 11 Ill. Reg. 5993, effective March 20, 1987; amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994.

Editor's Notes: Prior to the adoption of this Part, the Department of the Lottery had hearing rules on file at 11 Ill. Adm. Code 1710, which were repealed on the same date this Part was adopted.

## Section 1700.10 General Explanation of Procedure

- a) These rules shall apply to all hearings, except rulemaking hearings, conducted by the Department of the Lottery (Department), the Lottery Control Board (Board), or any hearing officer designated by the Board

## DEPARTMENT OF THE LOTTERY

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

and appointed by the Director, under the authority of Section 7.3 of the Illinois Lottery Law (Ill. Rev. Stat. 1995 1991, ch. 120, par. 1157.3) [20 ILCS 1605/7.3].

- b) A person, whose license as a lottery sales agent has been non-renewed, suspended or revoked, or whose application for a lottery sales license has been denied, or who is otherwise seeking a hearing before the Department pursuant to Section 7.3 of the Illinois Lottery Law (~~111-Rev-1995-CH-197-PAR-1157-3~~), shall notify the Secretary of the Board of a request for a hearing, as provided by these rules. The Secretary, within 3 days after the receipt of such request, shall notify the Director, who shall assign or appoint a hearing officer to hear the action from among those hearing officers designated by the Board. Where the request for a hearing arises from the revocation of a license without prior notice and opportunity for a hearing, such hearing shall be held within 30 days after the revocation order has been issued. In all other requests for a hearing, the Department shall, within 14 days, schedule either an informal conference or a hearing, to be held not later than 45 days after the date of its scheduling. ~~The Secretary shall, within 3 days of the receipt of such request, notify the Director, who shall assign or appoint a hearing officer to hear the action.~~ Notice of any hearing scheduled by the Secretary shall be served upon the parties as provided in Section 1700.80 of this Part, and shall include the information required by Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25) [5 ILCS 100/10-25]. The hearing officer shall, upon the close of all proofs in the hearing before him, file findings and recommendations with the Director as provided in Section 1700.180 of this Part, with a copy to be forwarded to each party to the action.

- c) Any party may, within 20 days ~~from~~ after the date such notice of the proposed findings and recommendations is received by certified mail (or returned as undelivered or unclaimed), file with the Secretary of the Board, in writing, a Motion for Review, with a copy to each party to the action. The party seeking the review shall then have 35 days from the date of the filing of the notice of the Motion for Review to file, with the Secretary, a brief as to the specific errors of the hearing officer as set forth in subsection (d) below, with a copy to each party. All other parties may file responsive briefs with the Secretary within 35 days of receipt of written notice from the Secretary that the brief supporting the Motion for Review has been filed. The Secretary shall transmit, within 75 85 days after receipt of the Motion for Review, the record of the action, including all documents, evidence, and transcripts submitted to or taken from the hearing, along with the Motion for Review and the briefs submitted by the parties, to the Board. The Board shall review the record of the case and shall make recommendations to the Director within 90 days of the date of receipt of the record of the case.
- d) The Board shall review the record, in its entirety, to determine that the findings of fact by the hearing officer are not against the

manifest weight of the evidence, the hearing officer has applied the law and regulations correctly, and that the conduct and procedures of the hearing did not prejudice any party.

- e) The recommendation of the Board to the Director shall be transmitted by the Secretary to the parties to the action. Any party has a right to make a final appeal to the Director. A party may note exceptions to the recommendations of the Board, along with supporting briefs, within 14 days of the receipt of notice of the recommendations of the Board. The Director shall have 30 days to review the record of the case and the Board's recommendation. The Director shall then enter an order either adopting or not adopting the hearing officer's or Board's recommended decision of the matter. Such order shall be served pursuant to Section 1700.80 of this Part.
- f) Any party adversely affected by a final decision or order of the Director may obtain judicial review as provided by the Administrative Review Law ~~as amended~~ (Ill. Rev. Stat. 1995 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/Art. III]. Such petition for review must be filed within 35 days after the receipt of the order or decision by certified mail for which judicial review is sought.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

## Section 1700.20 Notice of Denial of Application

Within 180 days from the receipt of the application and fee, the Department shall, in writing, promptly notify the applicant for a license to act as a lottery sales agent for the State Lottery of the grant or denial of such license. The notice of such denial shall state the ground(s) serving as the basis for such denial. The notice must also inform the applicant of the right to a hearing on such denial. The applicant must file a written request with the Secretary for a hearing on such denial within 30 days of the date of the receipt by certified mail (or its return as undelivered or unclaimed) of the notice of the denial of the license application.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

## Section 1700.30 Notice of Revocation or Suspension of License

The Department shall notify the licensed sales agent of its determination to revoke or suspend such licensed sales agent's license and shall include in such notification the ground(s) serving as the basis for such revocation or suspension. The Department shall also inform the ~~licensee~~ licensed sales agent of the right to a hearing on the issue of such revocation or suspension. The licensed sales agent must file a request for such hearing within 30 days of the date of the receipt by certified mail (or its return as undelivered or unclaimed) of the notice of the proposed Departmental action. Such request for a hearing must be filed with the Secretary. Where the license revocation or



## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

suspension is without prior notice and opportunity for hearing, the licensed sales agent must file a hearing request with the Secretary within 20 days after receipt of the revocation or suspension notice in order to permit scheduling of the hearing within the time period set forth in Section 1700.10 of this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

## Section 1700.40 Notice of Refusal to Renew License

The Department shall notify the licensed sales agent of its determination not to renew such agent's license not less than 30 days prior to the expiration of such license. The notice shall state the ground(s) serving as the basis for the denial of renewal of the license. The notice must also inform the applicant agent of the right to a hearing on the issue of such denial to renew the license. The licensed sales agent must file a request for such hearing within 30 days of the date of the receipt by certified mail (or its return as undelivered or unclaimed) of the notice of the refusal to renew the license. Such request must be filed with the Secretary.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

## Section 1700.50 Informal Conference

a) Upon written notice by the hearing officer in any proceeding, parties or their attorneys may be directed to appear at a specified date, time and place, mutually agreed upon by the parties, for a conference, whenever any of the purposes listed below would be effectuated, prior to the conclusion of the hearing, for the purpose of considering:

- 1) defining the legal and factual issues to be adjudicated at the administrative hearing;
- 2) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any pleading;
- 3) the possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- 4) the procedure at the hearing;
- 5) the limitation of the number of witnesses;
- 6) the propriety of prior mutual exchange between or among parties of prepared testimony or exhibits;
- 7) such other matters as may aid in the simplification of the evidence and disposition of the proceeding; and
- 8) to arrive at an equitable settlement of the issue to be adjusted adjudicated at the administrative hearing.

b) Prior to issuing a Notice of Hearing, the Secretary of the Board may, by written notice, direct the parties or their attorneys to appear at a specified date, time and place, mutually agreed upon by the parties, for an informal conference for the purpose of arriving at an equitable

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

settlement of the issue(s) to be adjudicated at the administrative hearing.

c) If there is an informal conference where no settlement is reached, and the hearing date has not yet been set, a hearing date will be set at the informal conference by mutual agreement of the parties. The informal conference shall not be open to the public, nor shall it be on the record.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

## Section 1700.80 Service and Proof of Service

- a) All service shall be by certified mail. Service is deemed completed if returned undelivered or unclaimed, when mailed to the party's last known address, with proper postage prepaid.
- b) Complaints, petitions, applications, answers, intervening petitions, amended or supplemental complaints and petitions and other pleadings, amendments or supplements to any pleadings, motions, affidavits in support of motions, or notices shall be served by the party filing same upon all parties to the proceeding. Proof of such service upon all parties shall be filed with the Secretary.
- c) Findings of fact and conclusions of law, briefs, motions for hearing or re-hearing, and notices of appeal shall be served by the Department, Board, or the party filing same upon each party to the proceeding, and a proof of service upon all parties shall be filed with the Secretary.
- d) When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.
- e) Proof of service of any paper shall be by certificate of attorney, affidavit or acknowledgment.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

## Section 1700.110 Continuances

The hearing may, at any time or from time to time, be postponed or continued, after due cause shown, such as the unavailability of a witness, party, or party's counsel ~~due to accident, illness, death in the family, or conflicting court-schedule~~, by the Board or hearing officer before which it is scheduled, upon his own motion or upon motion of any party to the proceeding. Notice of any motion for postponement or continuance shall be given to all parties to the hearing ~~within 48 hours of the event which justifies the need for the continuance or postponement~~. At least 48 hours prior to the scheduled date and time of the hearing. Where a witness, party or counsel becomes unavailable within 48 hours before a scheduled hearing due to accident, illness, death in the family, conflicting court schedule or other emergency situation, notice shall be given as soon as possible after the event which justifies continuance.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JUL 01 1994

## Section 1700.120 Discovery

After initiation of a complaint, any party, upon written request made to the other party, at least three business days prior to the hearing and within ten days after service of the initial pleading, or within five days after said service of an additional pleading, shall be entitled to obtain the names and addresses of witnesses whom the other party intends to call to testify at the hearing, a list of all writings and documents which the party proposes to offer in evidence, and any exculpatory evidence in the Department's or another party's possession. (Exculpatory evidence is any evidence which tends to support the requesting party's position or calls into question the credibility of a Departmental witness.) Any party shall have the right to submit written interrogatories to the other party with respect to the matters at issue no later than five (5) business days prior to a scheduled hearing.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JUL 01 1994

## Section 1700.140 Witnesses

- a Subject to the evidentiary requirements of Section 10-40(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-40(a)) [5 ILCS 100/10-40(a)], a party may conduct examinations or cross-examinations required for a full and fair disclosure of the facts. (Ill. Rev. Stat. 1991, ch. 127, par. 1040(b)) [5 ILCS 100/10-40(b)]
- b) The Department may call any adverse party as a witness without vouching for his credibility and proceed to examine such adverse party as if under cross-examination. Any party calling a witness in good faith, who is surprised by his testimony, may impeach that witness by evidence of prior inconsistent statements.
- c) The hearing officer is authorized to examine any or all witnesses at a hearing to obtain information relating to the proceeding which has not been presented by the parties.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JUL 01 1994

## Section 1700.150 Evidence at Hearings

- a) Evidence at hearings shall be governed by Section 10-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-40) [5 ILCS 100/10-40].
- b) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the hearing officer may require proof of

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

any fact necessary to adjudicate the facts at issue.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JUL 01 1994

## Section 1700.160 Court Reporter

The Board or hearing officer Department will designate a licensed court reporter to make a stenographic record of hearings in all proceedings. Upon the filing of a Motion for Review, the Department shall provide, by certified mail, a non-certified copy of the transcript to each party. However, a party may request a non-certified copy of the transcript from the Department or a certified copy of the transcript from the court reporter at his or her own cost, at any stage of the hearing process.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JUL 01 1994

## Section 1700.170 Corrections to Transcripts

A party who requests and receives a transcript copy prior to the hearing officer rendering a report and recommendation to the Director may suggest suggested corrections to the transcript of record may be offered within 10 days after the transcript is received by the parties party. Suggested corrections shall be served upon, or brought to the attention of, each party whose appearance is of record or his attorney, the official reporter and the hearing officer. If the suggested corrections are not objected to, the hearing officer will discuss with the parties the corrections to be made and the manner of making them. The hearing officer shall then determine the manner in which the record shall be changed, if at all. In making this decision, the hearing officer will consider whether the suggested corrections accurately reflect the proceedings of the hearing.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JUL 01 1994

## Section 1700.180 Findings, Conclusions and Recommendations

After the close of all proofs in the hearing before him, the hearing officer shall cause to be prepared and transmitted to the Director findings of fact, conclusions of law, and recommendations, together with the entire record in the proceeding. The hearing officer's findings, conclusions and recommendations which shall contain all the items required by Section 10-50 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-50) [5 ILCS 100/10-50]. Copies of such findings, conclusions and recommendations, and if the hearing officer so elects, memorandum of law supporting all or any of such findings, conclusions and recommendations, shall, together with the notice from the Department that any party has 20 days from after the date such notice is received by certified mail (or returned as undelivered or unclaimed)

## DEPARTMENT OF THE LOTTERY

## DEPARTMENT OF THE LOTTERY

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

to present to the Secretary a written Motion for Review, ~~shall~~ be served upon each party in the manner provided by ~~the~~ this Part. The submission of such Motion for Review, requesting a review by the Board of the hearing officer's findings, conclusions, and recommendations, shall stay the final disposition by the Director, as provided by Section 1700.190 of this Part, until the review and recommendation of the Board, as provided by Section 1700.10(c) of this Part, is completed.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

**Section 1700.190 Final Disposition by Director**

The findings of fact, conclusions of law, and recommendations of the hearing officer, as well as any recommendations of the Board, shall be reviewed by the Director. The Director shall have 30 days to review the record of the case and the hearing officer's and Board's recommendations. The Director shall then enter such order as shall be proper for the disposition of the matter. Such order shall be served upon all parties by certified mail.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

**Section 1700.200 Disqualification of a Hearing Officer**

Any party to a proceeding may request the Director to disqualify the hearing officer on the basis that said party believes that the hearing officer is biased against said party or that a conflict of interest exists on the part of the hearing officer. Any request for disqualification must be in writing, accompanied by an affidavit signed and dated by the party setting out the specific facts upon which the claim of bias or conflict of interest is based, and must be filed with the Secretary. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest (Section 10-25 of the Illinois Administrative Procedure Act). If the Director finds that bias or conflict of interest exists, the Director shall appoint another hearing officer to continue the proceeding.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)

**Section 1700.210 Ex Parte Communications**

a) After a notice of hearing has been issued, communications between a party to a proceeding and the hearing officer, Board, Director or an employee of the Department, whether oral or written, direct or indirect (ex parte communications), are generally prohibited, except upon notice and opportunity for all parties to participate. However, communications solely for the purpose of determining procedural or administrative requirements, or communications between agency

employees or between a hearing officer and a personal assistant, will not be considered ex parte communications for the purposes of this Section. (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60) [5 ILCS 100/10-60]

b) Any written ex parte communications, as well as a written summary of any oral ex parte communications, shall become part of the record of any proceeding before the Department, but shall not be the basis for any finding of fact by the hearing officer, the Board or the Director. (Ill. Rev. Stat. 1991, ch. 127, pars. 1010-35 and 1010-60) [5 ILCS 100/10-35 and 10-60]

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994)



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Certified Veterinary Technicians

- 2) Code Citation: 68 Ill. Adm. Code 1505

- | <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 1505.10                 | Amendment              |
| 1505.20                 | Amendment              |
| 1505.30                 | Amendment              |
| 1505.40                 | Amendment              |
| 1505.50                 | Amendment              |
| 1505.55                 | New Section            |
| 1505.60                 | Amendment              |
| 1505.70                 | Amendment              |

- 4) Statutory Authority: Implementing Sections 6 and 16 of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/6 and 115/16]

- 5) Effective Date of Amendments: JUN 30 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: June 28, 1994

- 9) Date Notice of Proposal Published in Illinois Register: April 15, 1994, at 18 Ill. Reg. 5737

- 10) Has ICAR issued a Statement of Objections to these amendments? No

- 11) Difference(s) between proposal and final version:

The only changes from the proposed version involved punctuation, style and form.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? No

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 15) Summary and Purpose of Amendments: This rulemaking brings the rules for licensure of veterinary technicians in line with the sunset rewrite of the Veterinary Medicine and Surgery Practice Act, which became effective January 1, 1994.

A new Section is added to the rules to describe how a licensed veterinary technician can meet continuing education requirements specified in Section 16 of the Act. Each person who applies for renewal of a license as a veterinary technician is required to complete 10 hours of continuing education during a prerenewal period, defined as the 24 months preceding January 1 in the year of renewal. Approved continuing education programs are identified as is the method for certifying compliance and the procedures to be followed when requesting a waiver of continuing education requirements.

The written examination for certification as a veterinary technician shall be the Veterinary Technician National Examination administered by Professional Examination Service. The passing grade on the examination shall be the passing score established by the testing entity. Prior to January 1, 1994, the passing grade on the examination was a standard score of 75.

Various style and grammar changes also were made.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505  
 CERTIFIED VETERINARY TECHNICIANS

Section	Application <del>For</del> for Examination
1505.10	Examination
1505.20	Endorsement
1505.30	Restoration
1505.40	Renewals
1505.50	Continuing Education
1505.55	Permissible Functions for Veterinary Technicians
1505.60	Granting Variances
1505.70	

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2918; amended at 18 Ill. Reg. \_\_\_\_\_, effective January 1, 1994.

Section 1505.10 Application ~~For~~ for Examination

a) An applicant for a certificate as a veterinary technician shall file an application, on forms supplied by the Department of Professional Regulation (the Department), at least 60 days prior to an examination date. The application shall include:

- 1) Certification of graduation from a veterinary technician program accredited by the American Veterinary Medical Association; ~~and~~
- 2) A complete work history since completion of a veterinary technician program;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

3) Certification of licensure from state of original and current licensure, if applicable, stating:

A The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and

~~24~~ The required fee set forth in Section 14(2) of the Act.

b) Examination prior to graduation

1) An applicant enrolled in an approved veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a veterinary technician program from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.

2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (1) above.

3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

~~b)c)~~ Applicants who have successfully completed the ~~animal~~ Veterinary Technician National Examination prepared by the Professional Examination Service in another state will receive credit for that examination; if the applicant passed the examination according to the testing entity's standard, ~~passing grade is the same or higher than that required of Illinois candidates.~~ The examination score report must be forwarded to the Department from Interstate Reporting Service.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994)

Section 1505.20 Examination

a) The written examination for certification as a veterinary technician shall be the Veterinary Technician National Examination administered by Professional Examination Service, cover the following subjects:

- 1) Basic Sciences
- 2) Animal Care and Management (Husbandry)
- 3) Clinical Science—Small and Large Animal Patient Care

b) The passing grade on the examination shall be a standard score of 75 the passing score established by the testing entity.

c) Prior to January 1, 1994, the passing grade on the examination was a standard score of 75.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994)

Section 1505.30 Endorsement

a) An applicant who is certified as a veterinary technician under the laws of another state or territory of the United States shall file an application with the Department, together with:

1) A certification from the licensing authority of the state or territory of original licensure; stating:

- A) The time during which the applicant was licensed in that state;
- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
- C) A brief description of the examination and the grades received.

If the examination is the examination prepared by the Professional Examination Service, the grades must be forwarded directly to the Department from Interstate Reporting Service and must reflect the grade received in the state of original licensure;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

2) Certification of licensure from the state in which the applicant is currently licensed if it is other than the state of original licensure;

3) A completed Certification of Education form ~~which~~ that must be signed by the dean or registrar of the school from which the applicant received his/her professional training; ~~and~~

4) A complete work history since completion of the applicant's training; and

5) ~~4~~ The required fee set forth in Section 14(15) of the Act.

b) The Department shall examine each application to determine compliance with Section 13 of the Veterinary Medicine and Surgery Practice Act of 1994 (the Act) [225 ILCS 115]. The applicant may be required to appear before the Veterinary Licensing and Disciplinary Board (the Board) to clarify or explain information contained on the submitted documentation in order for the Board to determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State at the time of licensure.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994)

Section 1505.40 Restoration

a) A veterinary technician seeking restoration ~~reinstatement~~ of ~~his~~ a certificate ~~which~~ that has expired for less than 5 years shall have ~~his~~ the certificate ~~reinstated~~ restored upon payment of the required fees. However, a veterinary technician seeking ~~reinstatement~~ restoration of ~~his~~ a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.

b) A veterinary technician seeking restoration of ~~his~~ a certificate ~~which~~ that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the required fee. The veterinary technician shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

authorized to practice during the term of said active practice; or

- 2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or
- 3) An affidavit attesting to military service as provided in Section 15 of the Act; or
- 4) Evidence of other experience within the profession, other than active practice (such as research, teaching, or publishing) during the time in which ~~his~~ the certificate was expired.
- c) A veterinary technician seeking restoration of ~~his~~ a certificate ~~which~~ that has been on inactive status for less than five years shall have ~~his~~ the certificate restored upon filing an application, on forms provided by the Department, and paying the current renewal fee.
- d) After January 31, 1997, a veterinary technician seeking restoration of a license shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period.
- e) ~~When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of discrepancies or conflicts in information, information needing further clarification and/or missing information, the veterinary technician will be requested to:~~

- 1) ~~provide such information as may be necessary; and/or~~
- 2) ~~explain such relevance or sufficiency during an oral interview; or~~
- 3) ~~appear before the Board for an oral interview designed to determine the individual's current competence to practice as a veterinary technician.~~

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1505.50 Renewals

- a) Each certificate as a veterinary technician issued under the Veterinary Medicine and Surgery Practice Act shall expire on January 31 of each odd numbered year. The holder of the certificate may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

- b) For the January 31, 1997 renewal and every renewal thereafter, a licensee shall be required to meet the continuing education requirements set forth in Section 1505.55.

- b<sub>c</sub>) It is the responsibility of each certified veterinary technician to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1505.55 Continuing Education

- a) Continuing Education Hours Requirements

- 1) Each person who applies for renewal of a license as a veterinarian technician is required to complete 10 hours of continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.
- 2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal.
- 3) A renewal applicant is not required to comply with CE requirements

## DEPARTMENT OF PROFESSIONAL REGULATION

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

for the first renewal following the original issuance of the certificate.

b) Approved CE Programs

1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:

A) An approved veterinary program, as provided in 68 Ill. Adm. Code 1500.5 or a veterinary technician program;

B) The American Veterinary Medical Association or any of its constituent organizations;

C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association;

D) The American Animal Hospital Association;

E) Programs provided by, or appropriate for, veterinary specialty organizations; and

F) Any other program that the Department determines to be substantially equivalent to the programs listed above.

2) CE credit may also be earned for completion of self assessment examinations in the "Veterinary Technician Journal" sponsored by Veterinary Learning Systems, or by completing any other substantially equivalent method of self-study.

3) Continuing education credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

c) Attendance records to be kept by Sponsor

1) It shall be the responsibility of a sponsor to keep accurate attendance records.

2) The sponsor shall maintain these records for not less than 5 years.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a) above.

2) The Department may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Committee. If the Department finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness; or

C) Undue hardship.

3) If an interview is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1505.60 Permissible Functions for Veterinary Technicians

- a) A veterinary technician ("technician") shall provide veterinary service under the control, direction and supervision of a licensed veterinarian, who is responsible for the services performed by the technician.
- b) The duties of a technician shall not include the making of a diagnosis or prognosis, prescribing or writing prescriptions for drugs, medication or any other material for the care or treatment of any animal or performing any kind of surgery upon any animal.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1505.70 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) ~~the~~ The provision from which the variance is granted is not statutorily mandated;
- 2) ~~no~~ No party will be injured by the granting of the variance; and
- 3) ~~the~~ The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the Veterinary Licensing and Disciplinary Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Adopted Action:

1400.20	Amendment
1400.30	Amendment
1400.40	Amendment
1400.50	Amendment
1400.60	Amendment
1400.80	Amendment
1400.90	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, par. 5356 [225 ILCS 15/6].
- 5) Effective Date of Amendments: JUN 3 0 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? Yes. Pursuant to Section 15(7) of the Act, the Department incorporates by reference the "Ethical Principles of Psychologists and Code of Conduct" and the "Association of State and Provincial Psychology Boards (ASPPB) Code of Conduct".
- 8) Date Filed in Agency's Principal Office: June 2 8, 1994
- 9) Date Notice of Proposal Published in Illinois Register: February 18, 1994, at 18 Ill. Reg. 2566.
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:

In Section 1400.20(c)(1)(A), "American Association of State Psychology Boards/" was replaced by "Association of State and Provincial Psychology Boards or".

In Section 1400.20(d), "course" was replaced by "didactic sequence".

In Section 1400.30, pertaining to experience, subsection (c)(11) was deleted. It read:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

"Upon the recommendation of the Committee, internship programs that are clinical, school or counseling programs accredited by the American Psychological Association have been deemed by the Department to meet the requirements of this subsection."

Other changes were nonsubstantive, involving style and form.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

This is the first update since 1990 of the rules for the Clinical Psychologist Licensing Act. The purpose is to bring the rules up to date with the Act. This includes the addition of approved school psychology education as being acceptable for meeting education/experience requirements for licensure as a clinical psychologist.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1400

## CLINICAL PSYCHOLOGIST LICENSING ACT

Section  
1400.10  
1400.20  
1400.30  
1400.40  
1400.50  
1400.60  
1400.65  
1400.70  
1400.80  
1400.90

Statutory Authority (Repealed)  
Licensure Qualifications  
Experience Defined  
Application for Examination  
Examination  
Endorsement  
Renewals  
Restoration  
Unethical, Unauthorized, or Unprofessional Conduct  
Granting Variances

**AUTHORITY:** Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 5 Ill. Reg. 935, effective January 23, 1981; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendments at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Subsections 1400.20(b)(10) and (c)(2)(H) and 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. effective JUN 30 1994

Section 1400.20 Licensure Qualifications

~~Individuals~~ An individual applying for licensure as a clinical psychologist pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15] (the "Act") shall meet the following educational/experience requirements pursuant to Section 10 of the Act:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- a) In accordance with Section 10(3)(a) of the Act, the individual shall be a graduate of a doctoral program in clinical, school or counseling psychology accredited by the American Psychological Association or approved by the Council for the National Register of Health Service Providers in Psychology and shall ~~complete~~ complete two years of supervised clinical, school or counseling psychology experience in accordance with Section 1400.30(a) and (d) of this Part, one of which shall be an internship and one of which shall be postdoctoral.
- b) In accordance with Section 10(3)(b) of the Act, the individual shall be a graduate of a doctoral program ~~which~~ that is equivalent to a clinical, school or counseling psychology program and shall ~~complete~~ complete two years of supervised clinical, school or counseling psychology experience in accordance with Section 1400.30(a) and (d) of this Part, one of which shall be an internship and one of which shall be postdoctoral.
- 1) In determining equivalent programs, the following minimum standards shall be met:
- A) ~~1) The program is from a regionally accredited university, college or school;~~
- B) ~~2) The program constitutes the university, college or school's clinical, school or counseling psychology program as certified by the dean of the institution and includes a practicum as defined in Section 1400.30(b) and an internship as defined in Section 1400.30(e). (If there is an additional clinical, school or counseling program which that exists under the clinical, school or counseling psychology name, the applicant shall apply under Section 10(5) of the Act and subsection (c) of this Section);~~
- C) ~~3) The program which, wherever they may be administratively housed, must be clearly identified and labeled as a offering psychology program programs. The Such a program must specify in institutional catalogues and brochures its intent to educate and train psychologists;~~
- D) ~~4) The program is which are an organizational entity within the institution;~~
- E) ~~5) The program has which are an integrated, organized sequence~~

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

of study;

- F) ~~6) The program has which have an identifiable core psychology faculty on-site and a psychologist responsible for the program;~~
- G) ~~7) The program has which have an identifiable body of students who are matriculated in that program for a degree;~~
- H) ~~8) The program which encompasses a minimum of three academic years of full-time graduate study;~~
- I) ~~The program has a one year residence. Residence requires interaction with psychology faculty and other matriculated psychology students. One year's residence or its equivalent is defined as follows:~~
- i) ~~30 semester hours taken on a full-time or part-time basis at the institution, accumulated within 24 months; or~~
- ii) ~~A minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.~~
- 2) ~~9) The applicant's program shall include the seven core content areas pursuant to Section 10(3)(B) of the Act as set forth below:~~
- A) ~~Scientific and professional ethics in psychology, which include the standards set forth in Section 1400.80(k) and (l);~~
- B) ~~Biological basis of behavior such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;~~
- C) ~~Cognitive-affective basis of behavior such as learning, thinking,~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- motivation, emotion;
  - D) Social basis of behavior such as social psychology, group processes, organizational and systems theory;
  - E) Individual differences which includes instruction in theories of normal and abnormal personality functioning;
  - F) Assessment which includes instruction in clinical interviewing and the administration, scoring and interpretation of psychological test batteries for the diagnosis of mental abilities and personality functioning;
  - G) Treatment modalities which includes instruction in the theory and application of a diverse range of psychological interventions for the treatment of mental, emotional, behavioral or nervous disorders.
- 10) ~~which have a one-year residence. Residence requires interaction with psychology faculty and other matriculated psychology students. One year's residence or its equivalent is defined as follows:~~
- ~~30-semester hours taken on a full-time or part-time basis at the institution accumulated within 24 months; or~~
- ~~a minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.~~

- c) In accordance with Section 10(5) of the Act, the individual shall be a graduate of a doctoral psychology program or a graduate of a doctoral program ~~which~~ that is psychological in nature; complete a course in each of the 7 core content areas listed in Section 10(3)(b) of the Act; complete a practicum in accordance with Section 1400.30 (a) and (b) of this Part; complete an internship or equivalent supervised clinical experience in accordance with Section 1400.30

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- (a) and (c) of this Part; and complete two years of supervised clinical and ~~counseling~~ psychology experience in accordance with Section 1400.30(a) and (d) of this Part, one of which must be postdoctoral.
- 1) The applicant's doctoral program shall meet the following requirements:
  - A) ~~H)~~ The program is accredited by the Association of State and Provincial Psychology Boards or ~~American Association of State Psychology Boards~~/Council for the National Register of Health Service Providers in Psychology and ~~which~~ is not a designated clinical or counseling psychology program; or
  - B) ~~2)~~ The program is psychological in nature as determined by the Department of Professional Regulation (the "Department") upon the recommendation of the Clinical Psychologists Licensing and Disciplinary Committee (the "Committee"). In determining what program is psychological in nature, the Committee shall consider ~~a program~~.
- i) ~~A) whose training in psychology is doctoral training offered in a program that is from a regionally accredited institution of higher education;~~
- ii) ~~B)~~ A program ~~which, wherever they may be~~ administratively housed, that is ~~must be~~ clearly identified and labeled as offering psychology programs. The ~~Such a~~ program must specify in institutional catalogues and brochures its intent to educate and train psychologists;
- iii) ~~C)~~ A program ~~which that is~~ are an organizational entity within the institution;
- iv) ~~D)~~ A program ~~which that has~~ are an integrated, organized sequence of study;
- v) ~~E)~~ A program ~~which that has an identifiable core have~~ psychology faculty on-site and a psychologist responsible for the program;



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

vii)~~F~~ A program which that has ~~have~~ an identifiable body of students who are matriculated in that program for a degree;

viii)~~G~~ A program which that encompasses a minimum of three academic years of full-time graduate study;

viii)~~H~~ A program which that has ~~have~~ a one year residence. Residence requires interaction with psychology faculty and other matriculated psychology students. One year's residence or its equivalent is defined as follows:

30 semester hours taken on a full-time or part-time basis at the institution accumulated within 24 months; or

~~A~~ A minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.

3) 2 The applicant's ~~program~~ shall complete a course in each of ~~include~~ the 7 ~~seven~~ core content areas pursuant to Section 10(3)(b) of the Act as set forth below:

- A) Scientific and professional ethics in psychology set forth in Section 1400.80(k) and (l);
- B) Biological basis of behavior such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;
- C) Cognitive-affective basis of behavior such as learning, thinking, motivation, emotion;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

D) Social basis of behavior such as social psychology, group processes, organizational and systems theory;

E) Individual differences which includes instruction in theories of normal and abnormal personality functioning;

F) Assessment which includes instruction in clinical interviewing and the administration, scoring and interpretation of psychological test batteries for the diagnosis of mental abilities and personality functioning;

G) Treatment modalities which includes instruction in the theory and application of a diverse range of psychological interventions for the treatment of mental, emotional, behavioral or nervous disorders.

d) For the purposes of this Section ~~Part~~, course shall be defined as an integrated, organized ~~course~~ didactic sequence of study which encompasses a minimum of one school term. No independent study courses may be used to satisfy the 7 core content areas set forth in Section 10 of the Act and subsections (b)(2)(9) and (c)(2)(3) of this Section.

e) Remediation of Deficiencies

1) Individuals ~~applying for licensure in accordance with subsections (b) and (c) above~~ who are deficient in any of the 7 ~~seven~~ core content areas may complete any one or all of these courses in a clinical, school or counseling psychological program accredited by the American Psychological Association, approved by the Council for the National Register of Health Service Providers in Psychology or a program approved in accordance with subsection (b) above.

2) Individuals who are deficient in the practicum, internship, or equivalent supervised clinical experience, or clinical experience requirements may obtain this experience in accordance with the standards set forth in Section 1400.30 of this Part.

3) ~~The deficiency may be completed at any time. The applicant will be required to submit proof to the Department of Professional Regulation (the "Department") that he or she has completed such a course(s) and/or the experience. Proof Documentation shall include, but not be~~

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

limited to, curriculum/course syllabus, transcript(s), practicum, and program materials; internship handbook/brochures and course materials; and internship training plan. ~~letter from employing agency authorizing training completed.~~

4) The deficiency(s) may be completed at any time.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994)

Section 1400.30 Experience Defined

The following sets forth standards for ~~required~~ practicums, internships or equivalent supervised experience and the 2 years of supervised experience required for licensure as a clinical psychologist pursuant to experience in accordance with Section 10 of the Act and Section 1400.20 of this Part:

a) ~~Two years of supervised clinical or counseling experience, which all applicant for licensure to meet the requirements of satisfactory supervised experience in clinical or counseling psychology pursuant to Section 10 of the Act, the applicant's experience: Practicums, internships or equivalent supervised experience and the 2 years of supervised experience:~~

1) ~~Shall be experience obtained after enrollment in a doctoral psychology program.~~

2) ~~Shall involve the practice of clinical or counseling psychology as defined in Section 2(5) of the Act. Illustrative tasks are: assessing, diagnosing and treating individuals with mental, emotional, behavioral or nervous disorders or conditions, or individuals with developmental disabilities; and assisting clients or organizations in solving professional, personal, or personnel problems.~~

3) ~~Shall not be limited to repetitious and routine tasks which, although involving psychological activities, are at the pre-professional level. Tasks illustrative of pre-professional experience are: administering and scoring structured tests; conducting standardized interviews; collecting data; academic guidance counseling; and assisting in a laboratory or teaching situation.~~

3) ~~Shall be personally and individually supervised by a licensed clinical psychologist whose license is active and in good standing (i.e., no~~

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

~~disciplinary action in accordance with Section 15 of the Act) of a licensed psychologist who is engaged in clinical or counseling psychology. The experience must be performed pursuant to the order, control and full professional responsibility of the supervisor, who shall meet face to face with the applicant a minimum of one hour per week.~~

4) ~~Shall not be supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure.~~

5) ~~Shall contain/include clinical or counseling psychology experience, at least one year of which must be post doctoral. Practicum experience may not be counted towards fulfilling the two years of clinical or counseling supervised experience.~~

A) ~~A year of experience is defined as 1,750 hours obtained in not less than 50 weeks based on at least 35 hours per week for full time work experience.~~

B) ~~Full time work experience must be obtained in a single setting for a minimum of 6 six months. Part time and internship experience will only be counted if it is 18 hours or more a week for a minimum of 9 nine months and is in a single setting.~~

C) ~~Post doctoral experience may begin upon completion of degree requirements for the doctoral degree, if verification of the date of completion of such degree requirement, when different than the date of graduation, is certified to the Department by the appropriate administrative official of the applicant's education institution.~~

D) ~~The experience must be evaluated by the supervisor as satisfactory.~~

E) ~~Only experience obtained prior to the date of the examination will be considered. Applicants completing the required experience after the expiration date will be considered for the next examination. All supervised experience completed prior~~

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

~~to the application date shall be listed on the application in order to be considered.~~

- b) Practicum. In addition to the requirements set forth in subsection (a) above, ~~To meet the practicum requirement pursuant to Section 1400.20(b) and (c) of this Part,~~ the applicant's practicum (externship or clerkship) shall ~~meet the following minimum requirements:~~

1) ~~shall be~~ a part of the coursework in the doctoral program or be an equivalent 400 hours of coursework or training, completed with a grade of satisfactory or better in a new area of competence approved by the Board prior to initiating the training; ~~;~~

2) ~~shall involve~~ the applicant in direct clinical ~~or counseling~~ psychology services to the client~~s~~;

3) ~~must provide~~ for personal supervision by a licensed clinical psychologist, licensed psychologist who is engaged in the practice of clinical ~~or counseling~~ psychology or by a person possessing the educational and experience qualifications necessary for licensure under the Act. However, ~~Failure~~ of the licensing examination disqualifies one as a supervisor.

4) ~~The experience must be~~ performed pursuant to the order, control and full professional responsibility of the supervisor who shall meet with the applicant face-to-face for a minimum of 75 40 hours; ~~;~~

4) ~~Supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum; internship or 2 years of satisfactory supervised experience requirements for licensure.~~

5) ~~shall be~~ a minimum of 400 hours in duration. This 400 hours does not have to take place in a single setting.

6) ~~The practicum shall not~~ count toward the two years of clinical or counseling supervised experience required for licensure, set forth in subsection (a) above.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

2) Clearly delineate between practicum, internship and supervised work experience, using identifiable dates at the time of application.

c) Internship. To meet the requirements of internship in accordance with Section 1400.20 or equivalent supervised clinical experience in an organized health care setting pursuant to Section 10(5) of the Act and Section 1400.20(c) of this Part, the internship or clinical experience shall, in addition to the requirements set forth in subsection (a) above ~~meet the following minimum requirements:~~

1) ~~shall be~~ an organized ~~preplanned~~ training program (in contrast to supervised experience or on the job training) designed to provide the applicant with a pre-planned, programmed sequence of training experiences which includes documented goals and objectives. The primary focus and purpose is assuring breadth and quality of training.

2) ~~includes~~ Include a minimum of one hour per week of regularly scheduled, face-to-face individual supervision with the specific intent of dealing with health services rendered directly by the applicant. There must also have been at least two additional hours per week in learning activities such as case conferences, including cases in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person, including discussion; group supervision; and additional individual supervision~~s~~.

3) ~~shall involve~~ the applicant in direct clinical ~~or counseling~~ psychology services to the client (Section 2 of the Act) as a part of the training ~~experience;~~

4) ~~shall be~~ under the individual and personal supervision of a licensed clinical psychologist or a licensed psychologist who is engaged in clinical psychology whose license is active and in good standing (i.e., no disciplinary action in accordance with Section 15 of the Act), ~~or a licensed psychologist who is engaged in clinical or counseling psychology;~~

5) ~~Supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum; internship or 2 years of satisfactory supervised experience~~



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## requirements for licensure:

- 5) Be performed pursuant to the order, control and full professional responsibility of the supervisor.
- 6) Includes Include a minimum of 1750 hours completed within 24 months. The 1750 hours may not be completed in less than 50 weeks regardless of the number of hours worked per week.
- A) Full-time experience shall be at least 35 hours per week and shall be obtained in a single setting for a minimum of 6 months.
- B) Part-time experience will only be counted if it is 18 hours or more per week for a minimum of 9 months and is in a single setting.
- 7) The training shall be Be post-practicum (post-clerkship or post-externship) level.
- 8) The experience must be evaluated by the supervisor as satisfactory or better.
- 9) If experience takes place in a work setting, there should be a distinction between the regular work duties of the applicant and the internship or equivalent clinical experience.
- 10) May include both paid and unpaid experience obtained by the applicant.
- 8) Upon the recommendation of the Committee, internship programs, which are clinical or counseling programs accredited by the American Psychological Association have been deemed by the Department to meet the requirements of this subsection.
- d) The applicant may submit both paid and/or unpaid experience in order to meet the practicum, internship and supervised experience requirements set forth in this Section.
- d) Clinical Experience. To meet the experience requirements of Section 10 of the Act, the experience shall in addition to the requirements set forth in

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## subsection (a) above:

- 1) Contain/include clinical psychology experience, at least one year of which must be post-doctoral. Practicum experience may not be counted toward fulfilling the 2 years of supervised experience.
- A) A year of experience is defined as 1750 hours obtained in not less than 50 weeks and completed within a 36 month period.
- B) Full-time work experience must be obtained in a single setting for a minimum of 6 months with at least 35 hours per week.
- C) Part-time experience will only be counted if it is 18 hours or more a week for a minimum of 9 months and is in a single setting.
- D) Post-doctoral experience may begin upon completion of degree requirements for the doctoral degree, if verification of the date of completion of the degree requirement, when different from the date of graduation, is certified to the Department by the appropriate administrative official of the applicant's educational institution.
- 2) Be personally and individually supervised by a licensed clinical psychologist or a licensed psychologist who is engaged in the practice of clinical psychology whose license is active and in good standing (i.e., no disciplinary action in accordance with Section 15 of the Act). The experience must be performed pursuant to the order, control and full professional responsibility of the supervisor.
- 3) Be evaluated by the supervisor as satisfactory or better.
- 4) Be obtained prior to the date of the examination. Applicants completing the required experience after the examination date will be considered for the next examination. All supervised experience completed prior to the application date shall be listed on the application in order to be considered.
- 5) May include both paid and unpaid experience obtained by the applicant.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1400.40 Application for Examination

- a) An applicant shall file an application on forms supplied by the Department at least 90 days prior to an examination date. The application shall include:

1)a) Certification of receipt of a doctoral degree as defined in Section 1400.20 of this Part and official transcripts from the applicant's doctoral program. Submission of official transcripts shall be for the purpose of verifying participation in the educational program;

2)b) Professional experience reference forms verifying the length, exact time, number of hours per week and description of functions of the applicant's employment and that the experience was obtained pursuant to Section 1400.30 of this Part. All experience information shall be submitted at the time of application. References shall be completed by the person who supervised the applicant pursuant to Section 1400.30 of this Part;

3)e) A complete work history since completion of a baccalaureate degree; and

4)d) The required fee set forth in Section 24(1) of the Act.

be) In addition to the above documents, candidates applying under Section 1400.20(b) and (c) shall submit documentation as required in Section 1400.20(b) and (c) of the practicum and internship training.

cf) Applicants who are graduates from educational institutions outside the United States shall provide, in addition to those requirements listed above, a certified translation of all documents submitted in any language other than English.

dg) In addition, the applicant shall cause to be sent directly to the Department certification of the date of completion of degree requirements, if different from date of the awarding of such degree, by the certifying educational administration official, for computation of post-doctoral experience as provided for in Section 1400.30 of this Part.

eh) Each application shall be reviewed on an individual basis by the Committee

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

in accordance with this Section.

- fh) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee, because of lack of information, discrepancies or conflicts in information given, or a need for clarification, discrepancies or conflicts in information, needing further clarification, and/or missing information, the applicant seeking a license will be requested to:

1) provide such information as may be necessary; and/or

2) appear for an oral interview(s) before the Committee.

gi) Upon recommendation of the Committee and approval by the Department, the applicant shall be notified of his eligibility to sit for the examination or notified of the reasons for denial of his the application.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1400.50 Examination

a) The required examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the ~~American Association of State Psychology Boards (AASP)~~ Association of State and Provincial Psychology Boards (ASPPB) Examination for Professional Practice in Psychology.

b) The minimum passing grade on the examination shall be 70% of the total number of questions.

c) The Department will accept proof of completion of the EPPP taken in another jurisdiction with examination scores of at least 70% of the total number of questions. Such proof must be forwarded directly to the Department from the testing service.

d) The Department will accept in lieu of passage of the examination specified in subsection (a) above, passage of the examination in clinical or counseling psychology of the American Board of Professional Psychology Inc.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1400.60 Endorsement

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

a) Any person who is currently licensed in another state or territory of the United States or a foreign country desiring to obtain a license as a licensed clinical psychologist pursuant to Section 11 of the Act shall file an application with the Department, on forms provided by the Department, which shall include:

1a) A certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating:

A) The date of issuance of the applicant's license;

B) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and

C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;

2b) A complete work history since completion of a baccalaureate degree program;

3e) Certification of graduation from a psychology program as defined in Section 1400.20 of this Part; and official transcripts from the applicant's doctoral program. Submission of official transcripts shall be for the purpose of verifying participation in the educational program;

4d) A copy of the Act and rules from the state of original licensure which were in effect at the time of licensure;

5e) Professional experience reference forms verifying the length, exact time, number of hours per week and description of functions of the applicant's employment and that the experience was obtained pursuant to Section 1400.30 of this Part. All experience information shall be submitted at the time of application. References shall be completed by the person who supervised the applicant pursuant to Section 1400.30 of this Part; and

6f) The required fee specified in Section 24(3) of the Act.

g) Each application shall be reviewed on an individual basis by the Committee in accordance with this Section.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

h) c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee, because of lack of information, discrepancies or conflicts in information given or a need for clarification, ~~needing further clarification, and/or missing information~~, the applicant seeking a license will be requested to:

1) ~~p~~provide such information as may be necessary; and/or

2) ~~a~~apppear for an oral interview(s) before the Committee.

h) d) Upon recommendation of the Committee and approval by the Department, the applicant shall be notified of ~~his~~ eligibility to sit for the examination, issued a license by endorsement or notified of the reasons for denial of ~~his~~ the application.

(Source: Amended at 18 Ill. Reg.                      effective JUN 30 1994)

Section 1400.80 Unethical, Unauthorized, or Unprofessional Conduct

~~As one of the reasons for:~~ The Department may ~~to~~ suspend or revoke a license, refuse to issue or renew, ~~or to suspend or revoke~~ a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 15(7) of the Act which is interpreted to include, but is not limited to, the following acts or practices:

a) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience); ;

b) Revealing facts, data, or information relating to a client or examinee, except as allowed under Section 5 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act (~~Ill. Rev. Stat. 1987, ch. 91-1-2, par. 301-et seq.~~) [740 ILCS 110]. The release of information "with the expressed consent of the client" as provided for in Section 6 of the Act is interpreted to mean that the psychologist, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper ~~precautions~~ are taken to conceal the identity of the client(s) or examinee(s) involved;



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- c) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- d) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- e) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
- f) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;
- g) Impersonating another person holding a psychology license or allowing another person to use his/her license;
- h) The commission of any dishonest, corrupt, or fraudulent act which is substantially related to the functions or duties of a psychologist providing services or supervising psychological services;
- i) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student, or supervisee or with an ex-client within 24 months after termination of treatment;
- j) ~~Directly or indirectly, in any manner or by any means, accepting or giving any money or thing of value of any kind to another person or organization in return for the referral of a client;~~
- k) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor; ;
- l) Pursuant to Section 15(7) of the Act, the Department hereby incorporates by reference the "Ethical Principles of Psychologists and Code of Conduct", American Psychological Association, 750 First Street, NE, 4200 Seventeenth Street N.W., Washington D.C. 20002 20036, American Psychologist, June 1981 December 1, 1992, Vol 36, No. 6, 633-638, with no later amendments or additions; editions;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- l) Pursuant to Section 15(7) of the Act, the Department hereby incorporates by reference the "ASPPB Code of Conduct", Association of State and Provincial Psychology Boards, 1991, 400 South Union Street, Suite 295, P.O. Box 4389 Montgomery, Alabama 36103, with no later amendments or editions.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## Section 1400.90 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:
- 1) ~~†~~The provision from which the variance is granted is not statutorily mandated;
  - 2) ~~†~~No party will be injured by the granting of the variance; and
  - 3) ~~†~~The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Clinical Psychologists Licensing and Disciplinary Committee of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.

(Source: Amended by 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 1994

2) Code Citation: 68 Ill. Adm. Code 1500

3) Section Numbers: Adopted Action:

1500.5 Amendment  
1500.10 Amendment  
1500.11 Amendment  
1500.15 Amendment  
1500.20 Amendment  
1500.25 Amendment  
1500.30 Amendment  
1500.35 Amendment  
1500.50 Amendment  
1500.55 Amendment  
1500.60 Repeal  
1500.70 Amendment

4) Statutory Authority: Implementing and authorized by Section 6 of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115/6].

5) Effective Date of Amendments: **JUN 30 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 28, 1994

9) Date Notice of Proposal Published in Illinois Register: April 15, 1994, at 18 Ill. Reg. 5758

10) Has ICAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

The only changes from the proposed version involved punctuation and style.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking brings the rules for licensure of veterinarians in line with the sunset rewrite of the Veterinary Medicine and Surgery Practice Act of 1994.

The passing score on examinations for licensure shall be the passing score established by the testing entity. Prior to January 1994, the passing score was a total converted score of 75, based on 1.5 standard deviations below the mean.

Other changes involve style and grammar and the updating of various citations.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500  
 VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section	Approved Veterinary Medicine and Surgery Programs
1500.5	Application for Examination by Graduates of Approved Programs
1500.10	Application by Graduates of Unapproved Programs
1500.11	Temporary Permit
1500.15	Examination
1500.20	Continuing Education
1500.25	Endorsement
1500.30	<del>Reinstatement</del> /Restoration
1500.35	Renewals
1500.45	Standards of Professional Conduct
1500.50	Advertising
1500.55	Conduct of Hearings ( <u>Repealed</u> )
1500.60	Annual Report of Board
1500.65	Granting Variances
1500.70	

**AUTHORITY:** Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Rules and Regulations Promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. \_\_\_\_\_, effective **JUN 30 1994**

Section 1500.5 Approved Veterinary Medicine and Surgery Programs

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## a) Approved Veterinary Medicine and Surgery Programs

1) The Department of Professional Regulation (the Department) shall approve a veterinary medicine and surgery program as reputable and in good standing if it meets the following minimum criteria:

A) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Veterinary Medicine degree or its equivalent.

B) Has a faculty ~~which~~ that consists of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area(s) of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.

C) Has a curriculum of at least 4 academic years, including at least the following subject areas, as applied to the various species of animals:

Anatomy  
 Anesthesiology  
 Applied Clinical Training  
 Chemistry  
 Federal and State Laws  
 General and Special Pathology  
 Internal Medicine  
 Meat and Milk Hygiene  
 Microbiology  
 Parasitology  
 Pharmacology  
 Physiology  
 Preventive Medicine  
 Professional Ethics  
 Radiology  
 Surgery and Obstetrics

D) Accepts only persons who have graduated from ~~an~~ accredited high ~~school~~ schools or who have obtained equivalent education through such programs as the General Education Development



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

Examination, and have successfully completed at least 2 years of pre-veterinary collegiate training in an accredited college or university.

E) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

F) Maintains or is formally affiliated with a hospital for the care and treatment of animals, which provides a sufficient number and variety of surgical and medical cases for the students' clinical instruction.

2) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation or approval by the American Veterinary Medical Association.

3) The Department has determined that all veterinary medicine and surgery programs accredited or approved by the American Veterinary Medical Association (AVMA) as of August 1, 1984, 1993, meet the minimum criteria set forth in subsection (a)(1); above and are, therefore, approved.

## b) Withdrawal of Approval

1) The Director may withdraw, suspend or place on probation the approval of a veterinary medicine and surgery program when the quality of the program has been materially affected by any of the following causes:

A) Gross or repeated violations of any provision of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] (the Act);

B) Gross or repeated violations of any portion of this Part;

C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or

D) Failure to continue to meet the criteria of an approved program

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

as set out in this Section.

2) The officials in charge of a veterinary medicine and surgery program whose approval is being reconsidered by the Department shall be given written notice prior to action by the Department and such officials may either submit written comments or request a hearing before the Committee Veterinarian Licensing and Disciplinary Board (the Board).

## c) Program Evaluation

1) An applicant from a program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.

2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Department will evaluate the program based on all documentation forwarded from the school and any additional information the Department has received ~~which~~ that it deems to be reliable.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective JUN 30 1994)

## Section 1500.10 Application for Examination by Graduates of Approved Programs

a) An applicant for examination for licensure to practice veterinary medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery ~~which~~ that meets the requirements set forth in Section 1500.5 shall file an application with the Department or its designated testing service on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;

2) Certification of successful completion of at least 2 years of pre-veterinary collegiate training, and graduation from an approved program of veterinary medicine and surgery; and

3) The required fee specified in Section 14 of the Veterinary Medicine and Surgery Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 7001 et seq.).

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

and

- 4) Certification of licensure from the jurisdiction of original and current licensure, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.

- b) Examination prior to graduation

1) An applicant enrolled in an approved veterinary program will be admitted to the May or December examination prior to graduation if he/she provides certification from the college of veterinary medicine ~~that he from~~ which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.

2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days of the scheduled graduation date specified in subsection (1) above.

3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

(Source: Amended at 18 Ill. Reg. JUN 30 1994 effective JUN 30 1994)

## Section 1500.11 Application by Graduates of Unapproved Programs

- a) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

by the Department and shall be accompanied by the following:

1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application

2) An original certificate from the ECFVG.

3) The required fee specified in Section 14 of the Act.

4) Certification of licensure from the jurisdiction of original and current licensure, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.

b) Scores obtained by ECFVG candidates taking the National Board Examination (NBE) and the Clinical Competency Test (CCT) will be registered with the Interstate Reporting Service in New York. At such time as a foreign graduate obtains the ECFVG certificate and applies for licensure in Illinois the scores shall be sent to the Department from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. ~~will be converted to the Illinois passing standard which is a total~~ Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean. ~~if the applicant does not achieve a passing converted score at the Illinois standard he/she will be required to take and pass, at the Illinois standard, the examination(s) on which a passing score was not achieved.~~

(Source: Amended at 18 Ill. Reg. JUN 30 1994 effective JUN 30 1994)

## Section 1500.15 Temporary Permit

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

A person who desires to obtain a temporary permit and who qualifies under Section 11 of the Act shall submit a written request with his the application to the Department or its designated testing service and a statement of employment completed by the supervising licensed veterinarian on forms supplied by the Department or its designated testing service. A temporary permit is nonrenewable.

- a) For an applicant for original licensure, the temporary permit shall be valid from the date he/she takes the examination until the results of that examination are reported.
- b) For a person who is a licensed veterinarian in another jurisdiction and who has applied for licensure on the basis of endorsement, the temporary permit shall be valid for 6 months or until the withdrawal or denial of the application, whichever occurs first.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective JUN 3 0 1994)

## Section 1500.20 Examination

- a) The examinations for licensure shall be the National Board Examination of the National Board of Veterinary Medicine Examiners (NBE) and the Clinical Competency Test (CCT), which shall be as follows:

- 1) National Board Examination
  - A) Pre-Clinical (anatomy; physiology; disease processes; etiologic agents; pharmacology; toxicology; immunology)
  - B) Clinical (diagnostics; therapeutics; medicine; surgery; animal production)
  - C) Other (public health; preventive medicine; jurisprudence)
- 2) Clinical Competency Test (large animal medicine; state and federal animal regulation; pathology; parasitology; dermatology; small animal medicine; surgery)

- b) The passing score for each examination shall be the passing score established by the testing entity. Prior to January 1994, the passing score on the examination was a total converted score of 75 based on 1.5 standard deviations below the mean.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- e) ~~An applicant shall be required to retake only the examination(s) on which a total converted score of 75 was not received.~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective JUN 3 0 1994)

## Section 1500.25 Continuing Education

- a) Continuing Education Hours Requirements

- 1) Each person who applies for renewal of a license as a veterinarian is required to complete 20 hours of continuing education (CE) relevant to the practice of veterinary medicine and surgery during the prerenewal period.
- 2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal. ~~For the January 31, 1993, renewal, the Department shall accept continuing education credit for those courses completed during the period of December 1, 1990, to December 31, 1992. Thereafter, continuing education shall be completed during the prerenewal period.~~
- 3) A renewal applicant is not required to comply with ~~Continuing Education (CE)~~ requirements for the first renewal.

- b) Approved CE Programs

- 1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:
  - A) An approved veterinary program, as provided in Section 1500.5;
  - B) The American Veterinary Medical Association or any of its constituent organizations;
  - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association;
  - D) The American Animal Hospital Association;
  - E) Programs provided by or appropriate for veterinary specialty



## DEPARTMENT OF PROFESSIONAL REGULATION

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

organizations; and

- F) Any other program that the Department determines to be substantially equivalent to the programs listed above.

- 2) CE credit may also be earned for completion of self assessment examinations in "Compendium for Practicing Veterinarians," sponsored by Veterinary Learning Systems, or by completing any other substantially equivalent method of self-study.

- 3) Continuing education credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

- c) Attendance records to be kept by Sponsor

- 1) It shall be the responsibility of a sponsor to keep accurate attendance records.

- 2) The sponsor shall maintain these records for not less than 5 years.

- d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a); above.

- 2) The Department may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

- e) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Committee. If the Department finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part

thereof, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) ~~f~~Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

- B) ~~a~~An incapacitating illness; or

- C) ~~#~~Undue hardship.

- 3) If an interview is requested at the time the request for a waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 30 1994 )

## Section 1500.30 Endorsement

- a) An applicant who is licensed under the laws of another state or territory of the United States shall file an application with the Department, together with:

- 1) A certification from the licensing authority of the state or territory of original licensure, stating:

- A) The time during which the applicant was licensed ~~in that state~~;

- B) Whether the file on the applicant contains any record of ~~any~~ disciplinary actions taken or pending;

- C) A brief description of the examination and the grades received; ~~and~~

- 2) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

3) Certification of successful completion of at least 2 years of preveterinary collegiate training and graduation from an approved program of veterinary medicine and surgery; and

24) The required fee.

b) The Department shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board Veterinary Examining Committee:

- 1) To clarify or explain information contained on the submitted documentation; or
- 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 18 Ill. Reg. JUN 30 1994 effective                     )

Section 1500.35 ~~Reinstatement~~/Restoration

a) A licensee seeking reinstatement restoration of a license which that has been expired for less than 5 years shall have the license ~~reinstated~~ restored upon payment of \$10 plus all lapsed renewal fees as specified in Section 14 of the Act and proof of completion of the continuing education requirements set forth in Section 1500.25 for a single renewal period. ~~However, a licensee seeking reinstatement of a license within 2 years after termination of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.~~

b) A licensee seeking restoration of a license which that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee specified in Section 14 of the Act. The licensee shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
- 2) An affidavit attesting to military service as provided in Section 15 of the Act; or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

3) Evidence of other experience within the profession, other than active practice (such as research, teaching, or publishing) during the time ~~which his/her~~ when the license was expired, and proof of completion of the continuing education requirements for a single renewal period.

c) A licensee seeking restoration of a license ~~which~~ that has been on inactive status for less than 5 years shall file an application, on forms provided by the Department, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.

d) ~~When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee will be requested to:~~

- 1) ~~provide such information as may be necessary; and/or~~
- 2) ~~explain such relevance or sufficiency during an oral interview; or~~
- 3) ~~appear before the Board for an oral interview designed to determine the individual's current competence to practice veterinary medicine and surgery.~~

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 18 Ill. Reg. JUN 30 1994 effective                     )

Section 1500.50 Standards of Professional Conduct

a) In determining what constitutes dishonest, unethical or unprofessional

## DEPARTMENT OF PROFESSIONAL REGULATION

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## NOTICE OF ADOPTED AMENDMENT(S)

conduct of a character likely to deceive, defraud or harm the public, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. Such standards shall include, but not be limited to:

- 1) Being convicted of any crime, an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;
- 2) Wilfully violating or knowingly assisting in the violation of any law relating to the use or dispensing of any medicine or drug as specified in Section 17 of the Act;
- 3) Wilfully administering or prescribing illegal drugs for animals; ~~For the purposes of this Section, illegal drugs means drugs which are not approved by the Food and Drug Administration for any use.~~
- 4) Wilfully administering or prescribing prescription drugs illegally. Illegally means:
  - A) ~~in~~ violation of the rules governing a competition or exhibition of animals, including but not limited to the rules of the Illinois Racing Board (11 Ill. Adm. Code 509), the American Kennel Club, and the American Show Horse Association;
  - B) ~~e~~Contrary to ~~state~~ State or federal law with regard to food producing animals; ;
- 5) Wilfully preparing or signing false statements in order to induce payment for medical or ancillary services by insurance companies;
- 6) Wilfully making or causing to be made any false report to the Department of ~~Registration and Education~~ Professional Regulation regarding compliance with continuing education requirements;
- 7) Wilfully omitting to make or file any report or record or wilfully making or filing or causing to be made or filed any false report or record pertaining to a veterinarian's practice as required by any state agency;

- 8) Failing to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;

- 9) Delegating of patient care responsibility to any individual when the veterinarian has reason to believe that the person may not be competent;

- 10) Misrepresenting as to educational background, training, credentials, competence; or veterinary medical staff memberships;

- 11) Failing to properly supervise subordinate health professional and paraprofessional staff under his/her supervision and control in patient care responsibilities; or

- 12) Committing of any other act or omission ~~which~~ that violates veterinarian's responsibility to a client according to accepted veterinary standards of practice.

- b) In determining what constitutes gross malpractice resulting in serious injury or death of a patient, the Board or hearing officer shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:

- 1) A consideration whether the act or acts of the person are of a flagrant or glaringly obvious nature, or are repetitiously committed and resulted in a breach of the veterinary standards of practice;
- 2) A consideration that said act or acts committed constituted a breach of veterinary standards of practice to possess and apply the knowledge and use the skill and care in treating a condition that is ordinarily used by a reasonably well-qualified veterinarian in the locality in which he/she practices or in similar localities in similar cases and circumstances;
- 3) A consideration that said act or acts committed, if committed by a person who holds himself/herself out as a specialist and undertakes service in a particular branch of medical, surgical; or other healing service, must possess and apply the knowledge and use the skill and care which reasonably competent specialists in the same field,



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

practicing in the same locality, or in similar localities, ordinarily would use in the same or similar cases and circumstances;

- 4) A consideration that a mere mistake which is not indicative of a lack of knowledge, skill and care does not constitute malpractice. Nor is a bad or unexpected result evidence of malpractice unless such a result would not ordinarily occur in the absence of malpractice.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective JUN 30 1994)

## Section 1500.55 Advertising

- a) Persons licensed to practice veterinary medicine and surgery in the State of Illinois may advertise in any medium or other form of public communication in a manner ~~which~~ that is truthful, and ~~which~~ is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. ~~Such~~ Advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of ~~such~~ communication shall be designed to communicate the information ~~contained therein~~ to the public in a direct, dignified and readily ~~comprehensive~~ comprehensible manner.

- b) Information ~~which~~ that may be contained in such advertising shall include:

- 1) Registrant's name, address, office hours, and telephone number;
- 2) Schools attended;
- 3) Announcement of the opening of, change of, or return to practice;
- 4) Announcement of additions to or deletions from professional staff;
- 5) Registrant's hospital affiliation(s);
- 6) Areas of specialization; including Board certification, professional society memberships and any limitations or concentration of practice;
- 7) Credit arrangements and acceptance of credit cards;
- 8) Foreign language ability;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 9) Usual and customary fees for routine professional services which must include statement that fees may be adjusted due to complications or unforeseen circumstances;
- 10) Description of offices in which registrant practices (e.g., kennel or laboratory facilities on the premises, convenience of parking); and;
- 11) Other information about the registrant, the registrant's practice, or the types of practice in which the registrant will accept employment, ~~which~~ that a reasonable person might regard as relevant in determining whether to seek the registrant's services.

- c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the registrant, and a recording of the actual transmission, including videotape, shall be retained by the registrant for a period of at least five (5) years.

- d) Information ~~which~~ that may be untruthful, fraudulent, deceptive, inherently misleading; or ~~which~~ has proven to be misleading in practice includes that which:

- 1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;
- 2) Guarantees favorable results or creates false or unjustified expectations of favorable results;
- 3) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;
- 4) Contains testimonials and/or exaggerations pertaining to the quality of veterinarian care;
- 5) Describes as available products or services ~~which~~ that are not permitted by the laws of this State and/or applicable ~~Federal~~ federal laws; and;
- 6) Advertises professional services ~~which~~ that the registrant is not licensed to render.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective JUN 30 1994)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

Section 1500.60 Conduct of Hearings (Repealed)

~~Any hearing conducted by the Department pursuant to Section 25 of the Act shall be conducted in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110) which are incorporated herein by reference.~~  
~~Section 1500.65 Annual Report of Board~~

Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994

Section 1500.70 Granting Variances

a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) ~~¶~~The provision from which the variance is granted is not statutorily mandated;
- 2) ~~¶~~No party will be injured by the granting of the variance; and
- 3) ~~¶~~The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Veterinary Licensing and Disciplinary Board ~~Examining Committee~~ of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Adopted Action:

120.382                   Amendment  
 120.386                   Amendment

4) Statutory Authority: Partnership for Long Term Care Act (Ill. Rev. Stat. 1991, ch. 23, par. 6801-1 et seq.) [320 ILCS 35] and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Effective Date of Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1994

9) Notice of Proposal Published in Illinois Register:

March 18, 1994 (18 Ill. Reg. 4063)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The text of Section 120.386 which was used as the base for these proposed amendments failed to include amendments which were adopted at 18 Ill. Reg. 2051, effective January 21, 1994. The base text of Section 120.386 was updated in the second notice to reflect the earlier amendments. Adjustments in the proposed amendments were also made to accommodate the renumbering of the subsections of the Section. In Section 120.386(a)(2), the phrase "as described in 50 Ill. Admin Code 2018" has been changed to "as described in 50 Ill. Adm. Code 2018". In addition, the main SOURCE note has been updated with the previous amendment "amended at 18 Ill. Reg. 2051, effective January 21, 1994".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
120.30	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.345	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.388	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.389	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.390	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

15) **Summary and Purpose of Amendments:** These amendments were proposed in conjunction with rules that were proposed by the Department of Insurance. The Department of Insurance rules establish requirements for insurance policies which may be issued under the Long Term Care Partnership Insurance Program.

These amendments to the Department of Public Aid's rules governing Medical Assistance Programs (89 Ill. Adm. Code 120) add provisions concerning the consideration of assets and property transfers related to insurance policies which meet the requirements of the Long Term Care Partnership Insurance Program. The amendments to Section 120.382 provide that the amount of benefit payments under a qualifying policy will be disregarded as part of the asset disregard for determining Medicaid eligibility. The amendments to Section 120.366 provide that these payments are also exempt from the property transfer provisions for determining Medicaid eligibility. By changing the impact of these insurance benefits on Medicaid eligibility these amendments are intended to provide an incentive for individuals to purchase policies under the Long Term Care Partnership Insurance Program.

Related rules were also proposed by two other agencies in the Illinois Register. The Department on Aging is proposed amendments to 89 Ill. Adm. 260 and the Department of Rehabilitation Services proposed amendments to 89 Ill. Adm. Code 688. These rules establish procedures for these agencies to administer the portions of the program for which they are responsible under the Partnership for Long Term Care Act. Interested persons should also review these related proposed rules.

16) **Information and questions regarding these Adopted Amendments shall be directed to:**

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 120  
MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1  
Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10  
120.11

Eligibility For Medical Assistance  
Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women

120.12  
120.20  
120.30  
120.31  
120.40  
120.50

MANG(AABD) Income Standard  
MANG(C) Income Standard  
MANG(P) Income Standard  
Exceptions To Use Of MANG Income Standard  
AMI Income Standard (Repealed)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities

120.62

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64

Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

120.65

Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200 Elimination Of Aid To The Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.215 Relationship (Repealed)  
120.216 Living Arrangement (Repealed)  
120.217 Supplemental Payments (Repealed)  
120.218 Institutional Status (Repealed)  
120.224 Foster Care Program (Repealed)  
120.225 Social Security Numbers (Repealed)  
120.230 Unearned Income (Repealed)  
120.235 Exempt Unearned Income (Repealed)  
120.236 Education Benefits (Repealed)  
120.240 Unearned Income In-Kind (Repealed)  
120.245 Earmarked Income (Repealed)  
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
120.255 Protected Income (Repealed)  
120.260 Earned Income (Repealed)  
120.261 Budgeting Earned Income (Repealed)  
120.262 Exempt Earned Income (Repealed)  
120.270 Recognized Employment Expenses (Repealed)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.271 Income From Work/Study/Training Program (Repealed)  
120.272 Earned Income From Self-Employment (Repealed)  
120.273 Earned Income From Roomer and Boarder (Repealed)  
120.275 Earned Income In-Kind (Repealed)  
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)  
120.280 Assets (Repealed)  
120.281 Exempt Assets (Repealed)  
120.282 Asset Disregards (Repealed)  
120.283 Deferral of Consideration of Assets (Repealed)  
120.284 Spend-down of Assets (AMI) (Repealed)  
120.285 Property Transfers (Repealed)  
120.290 Persons Who May Be Included in the Assistance Unit (Repealed)  
120.295 Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
120.308 Client Cooperation  
120.309 Caretaker Relative  
120.310 Citizenship  
120.311 Residence  
120.312 Age  
120.313 Blind  
120.314 Disabled  
120.315 Relationship  
120.316 Living Arrangements  
120.317 Supplemental Payments  
120.318 Institutional Status  
120.319 Assignment of Rights to Medical Support and Collection of Payment  
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause  
120.324 Health Insurance Premium Payment (HIPP) Program  
120.325 Health Insurance Premium Payment (HIPP) Pilot Program  
120.326 Foster Care Program  
120.327 Social Security Numbers  
120.330 Unearned Income  
120.332 Budgeting Unearned Income  
120.335 Exempt Unearned Income  
120.336 Education Benefits  
120.338 Incentive Allowance  
120.340 Unearned Income In-Kind  
120.342 Court Ordered Child Support Payments of Parent/Step-Parent

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.345 Earmarked Income  
 120.346 Medicaid Qualifying Trusts  
 120.350 Lump Sum Payments and Income Tax Refunds  
 120.355 Protected Income  
 120.360 Earned Income  
 120.361 Budgeting Earned Income  
 120.362 Exempt Earned Income  
 120.364 Earned Income Exemption  
 120.366 Exclusion From Earned Income Exemption  
 120.370 Recognized Employment Expenses  
 120.371 Income From Work/Study/Training Programs  
 120.372 Earned Income From Self-Employment  
 120.373 Earned Income From Roomer and Boarder  
 120.375 Earned Income In Kind  
 120.376 Payments from the Illinois Department of Children and Family Services  
 120.379 Assessment of Assets  
 120.380 Assets  
 120.381 Exempt Assets  
 120.382 Asset Disregard  
 120.383 Deferral of Consideration of Assets  
 120.384 Spend-down of Assets (MANG)  
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)  
 120.386 Property Transfers Effective-for-Applications-Filed-on-or-After-October-1-1989  
 120.390 Persons Who May Be Included In the Assistance Unit  
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later  
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.  
 120.395 Payment Levels for MANG  
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. —, effective July 1, 1994.

## NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

## Section 120.382 Asset Disregard

In addition to the exempt asset listed in Section 120.381, the cash value of assets shall be disregarded as follows:

## a) MANG (AABD)

- 1) \$2,000.00 for a client and \$3,000.00 for a client and one dependent residing together.
- 2) \$50.00 for each additional dependent residing in the same household.

- 3) The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.382(a) (continued)

- 4) ~~3~~ Eligibility for MANG does not exist when non-exempt assets exceed the above disregard.

## b) MANG(C)

- 1) \$2,000.00 for a one person assistance unit and \$3,000.00 for a two-person assistance unit.
- 2) \$50.00 for each additional member of the assistance unit.

## c) Qualified Medicare Beneficiary (QMB)

- 1) \$4,000 for a single person and \$6,000 for a person with one or more dependents.
- 2) Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended at 18 Ill. Reg. \_\_\_\_, effective July 1, 1994)

## Section 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989

## a) Applicability

- 1) The provisions for the transfer of property (i.e., assets) in this Section listed below apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.

- 2) Transfers of property disregarded as a result of payments made by a Long Term Care Partnership Insurance Policy (as described in 50 Ill. Adm. Code 2018) are not subject to the provisions of subsections (b), (c), and (d) below.

- b) 3) The provisions for the transfer of property (i.e., assets) in this Section listed below apply to a resident's spouse when the resident applies for Medicaid on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application for Medicaid is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.386(a)(4) (continued)

- e) 4) The provisions for the transfer of property (i.e., assets) in this Section listed below do not apply to eligibility determinations for individuals who reside in the community.

- b) d) A transfer of assets occurs when a resident of a long term care facility or the resident spouse buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

## c) e) A transfer is allowable if:

- 1) the transfer occurred more than ~~thirty~~-(30) months before the date of application or more than ~~thirty~~-(30) months before entry into the long term care facility;
- 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;
- 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

- 4) homestead property was transferred to:

- A) a spouse;
- B) the individual's child who is under age 21;
- C) the individual's child who is blind or permanently and totally disabled;
- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one ~~4~~ year immediately prior to the date the individual entered the facility or;
- E) the individual's child who provided care for the individual and who was residing in the homestead property for two ~~2~~ years immediately prior to the date the individual entered the facility;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.386(c) (continued)

5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described in Section 120.61 at 89-111-Adm, Code-120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse;
- 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 7) the individual intended to transfer the assets for fair market value;
- 8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
  - A) the resident is mentally unable to explain how the assets were transferred;
  - B) the denial of assistance would force the resident to move from the long term care facility; or
  - C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.386(c) (continued)

- 9) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;
- 10) the transfer by the resident was to the community spouse and was the result of a court order.
- d) ~~f)~~ Transfers of assets which do not meet the provisions of subsection (c) ~~(e)~~ are considered as a single transfer of the total amount of assets with the period of ineligibility determined in accordance with subsection (e) ~~(g)~~.
- e) ~~g)~~ If the transfer(s) does not meet the provisions of subsection (c) ~~(e)~~, the resident is ineligible beginning with the month of the first transfer and until whichever occurs first:
  - 1) the number of months the total uncompensated amount of the transferred assets would meet the monthly cost of long term care (private rate) at the facility; or
  - 2) the end of ~~thirty~~-(30) months from the month of the first transfer.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Adopted Action:  
140.530 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: July 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 1, 1994
- 9) Notice of Proposal Published in Illinois Register:  
March 18, 1994 (18 Ill. Reg. 4077)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.  
In the last sentence of subsection (c)(2), the words "in writing," have been replaced with "from the signed annual cost report submitted."  
In subsection (c)(4), the phrase "less what is contributed by third party liability" has been added at the end of the subsection.  
In subsection (d)(1), the words "the Department's administrative rules" have been replaced by "this Part and 89 Ill. Adm. Code 147."  
Subsection (d)(2) has been stricken in its entirety.  
There are no other differences between the proposal and the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
140.24	Amendment	April 15, 1994 (18 Ill. Reg. 5778)
140.27	Amendment	April 15, 1994 (18 Ill. Reg. 5778)
140.413	Amendment	July 1, 1994 (18 Ill. Reg. _____)
140.440	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.442	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.443	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.514	Amendment	June 24, 1994 (18 Ill. Reg. 9296)
140.538	Amendment	June 24, 1994 (18 Ill. Reg. 9296)
140.850	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.855	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.860	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.865	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.870	Amendment	June 24, 1994 (18 Ill. Reg. 9296)
140.870	Repeal	March 25, 1994 (18 Ill. Reg. 4597)
140.875	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.880	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.885	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.890	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.895	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.Table K	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.Table L	Repeal	June 24, 1994 (18 Ill. Reg. 9296)

- 15) Summary and Purpose of Amendments: These amendments to Section 140.530 of the Department of Public Aid's rules on medical payment (89 Ill. Adm. Code 140) provide a mechanism for the Department to recognize additional costs in the operation of county-owned nursing facilities. Under the amendments any county which owns a nursing facility will certify to the Department's any costs which exceed the reimbursable costs under the Department's rules. These costs must be allowable costs as defined in the rules. A definition of county-owned nursing facility is also being added to Section 140.530.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section  
140.1  
140.2  
140.3  
140.4  
140.5  
140.6  
140.7  
140.8  
140.9  
140.10

Incorporation By Reference  
Medical Assistance Programs  
Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)  
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
Covered Medical Services Under GA  
Medical Services Not Covered  
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
Medical Assistance For Qualified Severely Impaired Individuals  
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section  
140.11  
140.12  
140.13  
140.14  
140.15  
140.16  
140.17  
140.18  
140.19  
140.20

Enrollment Conditions for Medical Providers  
Participation Requirements for Medical Providers  
Definitions  
Denial of Application to Participate in the Medical Assistance Program  
Recovery of Money  
Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Effect of Termination on Individuals Associated with Vendor  
Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
Submittal of Claims

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.21  
140.22  
140.23  
140.24  
140.25  
140.26  
140.27  
140.28  
140.30  
140.31  
140.32  
140.33  
140.35  
140.40  
140.41  
140.42  
140.43  
140.71  
140.72  
140.73

Magnetic Tape Billings  
Payment of Claims  
Payment Procedures  
Overpayment or Underpayment of Claims  
Payment to Factors Prohibited  
Assignment of Vendor Payments  
Record Requirements for Medical Providers  
Audits  
Emergency Services Audits  
Prohibition on Participation, and Special Permission for Participation  
Publication of List of Terminated, Suspended or Barred Entities  
False Reporting and Other Fraudulent Activities  
Prior Approval for Medical Services or Items  
Prior Approval in Cases of Emergency  
Limitation on Prior Approval  
Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments  
Drug Manual (Recodified)  
Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section  
140.80  
140.82  
140.84  
140.94  
140.95  
140.96  
140.97  
140.98  
140.99  
140.100  
140.101  
140.102  
140.103  
140.104  
140.110  
140.116  
140.117  
140.200  
140.201

Hospital Provider Fund  
Developmentally Disabled Care Provider Fund  
Long Term Care Provider Fund  
Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
Hospital Services Trust Fund  
General Requirements (Recodified)  
Special Requirements (Recodified)  
Covered Hospital Services (Recodified)  
Hospital Services Not Covered (Recodified)  
Limitation On Hospital Services (Recodified)  
Transplants (Recodified)  
Heart Transplants (Recodified)  
Liver Transplants (Recodified)  
Bone Marrow Transplants (Recodified)  
Disproportionate Share Hospital Adjustments (Recodified)  
Payment for Inpatient Services for GA (Recodified)  
Hospital Outpatient and Clinic Services (Recodified)  
Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
Payment for Hospital Services After June 30, 1982 (Repealed)

## ILLINOIS REGISTER

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## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
 140.203 Limits on Length of Stay by Diagnosis (Recodified)  
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed  
 in an Outpatient Setting (Recodified)  
 140.350 Copayments (Recodified)  
 140.360 Payment Methodology (Recodified)  
 140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services  
 (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services  
 (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services  
 (Recodified)  
 140.398 Hearings (Recodified)  
  
 SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES  
  
 Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items -  
 Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services

140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy  
 Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items -  
 Podiatry  
 140.428 Chiropractic Services  
 140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Laboratory Services  
 140.431 Services Not Covered by Independent Laboratory  
 140.432 Limitations on Independent Laboratory Services  
 140.433 Payment for Laboratory Services  
 140.434 Record Requirements for Independent Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
 140.444 Compounded Prescriptions  
 140.445 Prescription Items (Not Compounded)  
 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.452 Mental Health Clinic Services  
 140.453 Definitions  
 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
 140.458 Prior Approval for Therapy Services  
 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.475 Medical Equipment, Supplies and Prosthetic Devices  
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices  
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices  
 140.479 Limitations, Medical Supplies  
 140.480 Equipment Rental Limitations  
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices  
 140.482 Family Planning Services  
 140.483 Limitations on Family Planning Services  
 140.484 Payment for Family Planning Services  
 140.485 Healthy Kids Program  
 140.486 Limitations on Medicare Services (Repealed)  
 140.487 Healthy Kids Program Timeliness Standards  
 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures  
 140.490 Medical Transportation  
 140.491 Limitations on Medical Transportation  
 140.492 Payment for Medical Transportation  
 140.493 Psychological Services  
 140.496 Payment for Psychological Services  
 140.497 Hearing Aids  
  
 Section  
 140.500 Group Care Services  
 140.502 Cessation of Payment at Federal Direction  
 140.503 Cessation of Payment for Improper Level of Care  
 140.504 Cessation of Payment Because of Termination of Facility  
 140.505 Continuation of Payment Because of Threat To Life  
 140.506 Provider Voluntary Withdrawal  
 140.507 Continuation of Provider Agreement  
 140.510 Determination of Need for Group Care  
 140.511 Long Term Care Services Covered By Department Payment  
 140.512 Utilization Control  
 140.513 Utilization Review Plan (Repealed)  
 140.514 Certifications and Recertifications of Care  
 140.515 Management of Recipient Funds--Personal Allowance Funds  
 140.516 Recipient Management of Funds  
 140.517 Correspondent Management of Funds  
 140.518 Facility Management of Funds  
 140.519 Use or Accumulation of Funds  
 140.520 Management of Recipient Funds--Local Office Responsibility  
 140.521 Room and Board Accounts  
 140.522 Reconciliation of Recipient Funds  
 140.523 Bed Reserves

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.524 Cessation of Payment Due to Loss of License  
 140.525 Quality Incentive Program (QUIP) Payment Levels  
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)  
 140.527 Quality Incentive Survey (Repealed)  
 140.528 Payment of Quality Incentive (Repealed)  
 140.529 Reviews (Repealed)  
 140.530 Basis of Payment for Long Term Care Services  
 140.531 General Service Costs  
 140.532 Health Care Costs  
 140.533 General Administration Costs  
 140.534 Ownership Costs  
 140.535 Costs for Interest, Taxes and Rent  
 140.536 Organization and Pre-Operating Costs  
 140.537 Payments to Related Organizations  
 140.538 Special Costs  
 140.539 Nurse's Aide Training and Testing  
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations  
 140.541 Salaries Paid to Owners or Related Parties  
 140.542 Cost Reports-Filing Requirements  
 140.543 Time Standards for Filing Cost Reports  
 140.544 Access to Cost Reports (Repealed)  
 140.545 Penalty for Failure to File Cost Reports  
 140.550 Update of Operating Costs  
 140.551 General Service Costs  
 140.552 Nursing and Program Costs  
 140.553 General Administrative Costs  
 140.554 Component Inflation Index  
 140.555 Minimum Wage  
 140.560 Components of the Base Rate Determination  
 140.561 Support Costs Components  
 140.562 Nursing Costs  
 140.563 Capital Costs  
 140.565 Koshier Kitchen Reimbursement  
 140.566 Out-of-State Placement  
 140.567 Level II Incentive Payments (Repealed)  
 140.568 Duration of Incentive Payments (Repealed)  
 140.569 Clients With Exceptional Care Needs  
 140.570 Capital Rate Component Determination  
 140.571 Capital Rate Calculation  
 140.572 Total Capital Rate  
 140.573 Other Capital Provisions  
 140.574 Capital Rates for Rented Facilities  
 140.575 Newly Constructed Facilities (Repealed)  
 140.576 Renovations (Repealed)  
 140.577 Capital Costs for Rented Facilities (Renumbered)  
 140.578 Property Taxes



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

140.579 Specialized Living Centers  
 140.580 Mandated Capital Improvements (Repealed)  
 140.581 Qualifying as Mandated Capital Improvement (Repealed)  
 140.582 Cost Adjustments  
 140.583 Campus Facilities  
 140.584 Illinois Municipal Retirement Fund (IMRF)  
 140.590 Audit and Record Requirements  
 140.590 Screening Assessment for Long Term Care and Alternative Residential  
 140.642 Settings and Services  
 140.643 In-Home Care Program  
 140.645 Medical and In-Home Care for Disabled Persons Under Age 21 (Model Waiver)  
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities  
 140.647 Description of Developmental Training (DT) Services  
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs  
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs  
 140.650 Certification of Developmental Training (DT) Programs  
 140.651 Decertification of Day Programs  
 140.652 Terms of Assurances and Contracts  
 140.680 Effective Date Of Payment Rate  
 140.700 Discharge of Long Term Care Residents  
 140.830 Appeals of Rate Determinations  
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section  
 140.850 General Description  
 140.855 Definition of Terms  
 140.860 Covered Services  
 140.865 Sponsor Qualifications  
 140.870 Sponsor Responsibilities  
 140.875 Department Responsibilities  
 140.880 Provider Qualifications  
 140.885 Provider Responsibilities  
 140.890 Payment Methodology  
 140.895 Contract Monitoring  
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

## SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

Section  
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)  
 140.901 Functional Areas of Needs (Recodified)  
 140.902 Service Needs (Recodified)  
 140.903 Definitions (Recodified)  
 140.904 Times and Staff Levels (Repealed)  
 140.905 Statewide Rates (Repealed)  
 140.906 Reconsiderations (Recodified)  
 140.907 Midnight Census Report (Recodified)  
 140.908 Times and Staff Levels (Recodified)  
 140.909 Statewide Rates (Recodified)  
 140.910 Referrals (Recodified)  
 140.911 Basic Rehabilitation Aide Training Program (Recodified)  
 140.912 Interim Nursing Rates (Recodified)  
 140.920 General Description  
 140.922 Covered Services  
 140.924 Provider Participation Requirements  
 140.926 Client Eligibility  
 140.928 Client Enrollment and Program Components  
 140.930 Reimbursement  
 140.932 Payment Authorization for Referrals

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section  
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
 140.942 Definition of Terms (Recodified)  
 140.944 Notification of Negotiations (Recodified)  
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
 140.948 Negotiation Procedures (Recodified)  
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
 140.952 Closing an ICARE Area (Recodified)  
 140.954 Administrative Review (Recodified)  
 140.956 Payments to Contracting Hospitals (Recodified)  
 140.958 Admitting and Clinical Privileges (Recodified)  
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
 140.964 Contract Monitoring (Recodified)  
 140.966 Transfer of Recipients (Recodified)  
 140.968 Validity of Contracts (Recodified)  
 140.970 Termination of ICARE Contracts (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 140.972 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
- 140.TABLE A Medichex Recommended Screening Procedures (Repealed)
- 140.TABLE B Health Service Areas
- 140.TABLE C Capital Cost Areas
- 140.TABLE D Schedule of Dental Procedures
- 140.TABLE E Time Limits for Processing of Prior Approval Requests
- 140.TABLE F Podiatry Service Schedule
- 140.TABLE G Travel Distance Standards
- 140.TABLE H Areas of Major Life Activity
- 140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
- 140.TABLE J HSA Grouping (Repealed)
- 140.TABLE K Services Qualifying for 10% Add-On
- 140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On
- 140.TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI and VII 3-4, 5-6, 7 and 5/12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2493; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11







## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART E: GROUP CARE

## Section 140.530 Basis of Payment for Long Term Care Services

- a) The amount approved for payment for long term care services is based on the type and amount of services required by and actually being furnished to a resident and is determined in accordance with the Department's rate schedule.
- b) Costs not related to patient care, as well as costs in excess of those required for the efficient and economical delivery of care, will not be reimbursed.
- c) Rates and payments.

1) Rates for long term care services shall be the sum of the reimbursable costs of capital, support, and nursing, as defined in this Part and 89 Ill. Adm. Code 147.

2) Additionally, for county-owned nursing facilities, rates shall include allowable costs incurred in excess of the reimbursable costs defined in this Part and 89 Ill. Adm. Code 147. Costs in

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.530(c)(2) (continued)

- excess of reimbursable costs shall be certified from the signed annual cost report submitted by the county to the Department.
- 3) Payment for long term care services is on a per diem basis. In determining the number of days for which payment can be made, the day of admission to the facility is counted. The day of discharge from the facility is not counted, unless it is the day of death, and the death occurs in the facility, or a reserved bed has been authorized for that day.
  - 4) Payments by the Department for long term care services shall not exceed reimbursable costs as defined in this Part and 89 Ill. Adm. Code 147 less what is contributed by third party liability.
- d) Definitions.
- 1) "Allowable costs" are those which are appropriate patient care expenditures as defined in this Part and 89 Ill. Adm. Code 147 the Department's Rules.
  - 2) "Reasonable costs" for specific types of expenditures are costs which conform to the Department's Rules and do not exceed guidelines established by the Office of Health Finance.
  - 3) "Reimbursable costs" are determined by the application of statistical standardizations of allowable costs for all providers provider within various defined groups to the costs of individual providers within such groups.
  - 3)4) "County-owned nursing facility" is a nursing facility owned and operated by an Illinois county.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers:                      Adopted Action:

104.101                      Amendment  
104.104                      Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/12-13]

5) Effective Date of Amendments: July 1, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1994

9) Notice of Proposal Published in Illinois Register:

December 17, 1993 (17 Ill. Reg. 21283)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: In Section 104.104(b), the phrase "that referred to for" was replaced by the phrase "the types of relief authorized for use within". No other substantive changes were made to the text of the amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments establish procedures to contest immediate service of an administrative order for withholding and revise the rules regarding petitions for hearings and conduct of hearings to take into account changes from the 1992 and 1993 legislative sessions. In addition, this rulemaking is necessary to comply with final federal regulations on income withholding published in the Federal Register on July 10, 1992. As a result of these amendments, in addition to being able to petition the Department for a hearing to stay service of an administrative order for withholding or a notice of delinquency, or to modify, suspend or terminate an administrative order for withholding, a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

responsible relative will now be able to petition the Department for a hearing to contest immediate service of an administrative order for withholding.

A petition to modify, suspend, or terminate an administrative order for withholding may be filed at any time. A petition to stay service of an administrative order, an administrative notice of delinquency or a petition contesting immediate service of an administrative order for withholding must, however, be filed within 20 days of the date of service of the notice of delinquency or notice for immediate withholding. The day immediately subsequent to the day of service of the notice is considered as the first day and the day such petition is received by the Department is considered the last day in computing the 20 day appeal period.

The terms "administrative support order" and "liability" are redefined by these amendments. This rulemaking establishes that a notice for immediate withholding is included in the definition of an administrative support order. "Administrative support order" will now be defined as an administrative order for withholding, a notice of delinquency or a notice for immediate withholding. The accuracy of the notice for immediate withholding is added to the definition of liability by this rulemaking. "Liability" will now be defined to mean the accuracy of the notice for immediate withholding, the accuracy of the notice of delinquency based upon the administrative order for withholding, or the force and effect to be given to such order. These amendments also provide that the Department will limit any relief granted to that referred to for judicial orders for withholding in 89 Ill. Adm. Code 160.75(c), (e), (g), (h) and (i).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement

104.210 Right to Hearing

104.212 Prior Factual Determinations

104.215 Notice of Formal Conference

104.216 Formal Conference on Recovery of Money

104.217 Purpose of Formal Conference

104.220 Notice of Hearing

104.221 Issues at Hearings

104.225 Legal Counsel

104.226 Appearance of Attorney or Other Representative

104.230 Notice, Service and Proof of Service

104.231 Form of Papers

104.235 Discovery

104.240 Conduct of Hearings

104.241 Amendments

104.242 Motions

104.243 Subpoenas

104.244 Burden of Proof

104.245 Witness at Hearings

104.246 Evidence at Hearings

104.247 Cross-Examination

104.248 Disqualification of Hearing Officers

104.250 Official Notice

104.255 Computer Generated Documents

104.260 Recommendation of Peer Review Committee

104.270 Time Limits for Hearings

104.271 Continuances and Extensions

104.272 Withholding of Payments During Pendency of Proceedings

104.273 Continuation of Payments During Pendency of Proceedings

104.274 Denial of Payments for Services During Pendency of Proceedings

104.280 Record of Hearings

104.285 Failure to Appear or Proceed

104.290 Recommended Decision

104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS  
AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE  
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section  
104.300 Authority  
104.302 Definitions  
104.304 Department Actions Against Nursing Homes Facilities  
104.310 Certification  
104.320 Joint Administrative Hearing  
104.330 Facilities Certified Under Both Medicare and Medicaid

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: GENERAL PROVISIONS

## PART 104

## PRACTICE IN ADMINISTRATIVE HEARINGS

## SUBPART A: ASSISTANCE APPEALS

## Section

104.1 Assistance Appeals

104.10 Initiation of Appeal Process

104.11 Pre-Appeal Review

104.12 Notice of Hearing

104.20 Conduct of Hearings

104.21 Representation

104.22 Appellant Participation in Hearing

104.23 Evidentiary Requirements

104.30 Subpoenas

104.35 Amendment of Appeal

104.40 Consolidation of Appeals

104.45 Postponement or Continuation of Hearings

104.50 Withdrawal of Appeal

104.55 Closing of Hearing Record

104.60 Dismissal of Appeal

104.70 Final Administrative Decision

104.80 Public Aid Committee

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section

104.100 Responsible Relative and Joint Payee Petitions

104.101 Petition for Hearing

104.102 Conduct of Administrative Support Hearings

104.103 Conduct of Hearings to Contest the Determination of Past-Due

Support or of Share of Jointly-Owned Funds

104.104 Conduct of Other Hearings to Stay Service of an Administrative

Order for Withholding of Notice of Delinquency, or to Modify,

Suspend or Terminate an Administrative Order for Withholding

## SUBPART C: MEDICAL VENDOR HEARINGS

## Section

104.200 Applicability

104.202 Definitions

104.204 Notice of Denial of An Application

104.206 Notice of Intent to Recover Money



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

- Section  
 104.400 Suspected Intentional Violation of the Program  
 104.410 Advance Notice of Administrative Disqualification Hearing  
 104.420 Postponement of Hearing  
 104.430 Administrative Disqualification Hearing Procedures  
 104.440 Failure to Appear  
 104.450 Participation While Awaiting a Hearing  
 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing  
 104.470 Administrative Disqualification Hearing Decision and Notice of Decision  
 104.480 Appeal Procedure

## SUBPART F: INCORPORATION BY REFERENCE

## Incorporation By Reference

- Section  
 104.800

AUTHORITY: Implementing Sections 11-8 et-seq. through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-8 et-seq. through 11-8.7, 12-4.9, 12-4.25 and 12-13) [305 ILCS 5/11-8 et-seq. through 11-8.7, 5/12-4.9 et-seq., 5/12-4.25 and 5/12-13]

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11 pg. 151 effective March 9, 1978 for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38 effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753 effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. —, effective July 1, 1994.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section 104.101 Petition for Hearing

- a) Any responsible relative aggrieved by an administrative support order entered, determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- b) The petition under subsection (a) above shall be filed within 30 days from the date of mailing of such order or determination. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.
- c) Any responsible relative may petition the Department for a hearing to contest immediate service of an administrative order for withholding or to stay service of an administrative order for withholding or notice of delinquency, or to modify, suspend or terminate an administrative order for withholding for the reasons provided in 89 Ill. Adm. Code 160.75(c), (e), (g), (h) and (i) 160.75(a)-(f) and (h).
- d) The petition to modify, suspend, or terminate an administrative order for withholding may be filed at any time and the petition to stay service of such order or an administrative notice of delinquency or a petition contesting immediate service of an administrative order for withholding shall be filed within 20 days of the date of service of the notice of delinquency or notice for immediate withholding upon the responsible relative. The day immediately subsequent to the day of service of the notice shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 20 day appeal period.
- e) The Department shall, upon receipt of a petition, provide for a hearing to be held, except as provided in Section 104.103(b).

(Source: Amended at 18 Ill. Reg. —, effective July 1, 1994)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 104.104

~~Conduct of Other Hearings to Stay Service of an Administrative Order for Withholding of Notice of Delinquency, or to Modify, Suspend or Terminate an Administrative Order for Withholding~~

- a) Hearings on petitions to stay service of an administrative order for withholding or notice of delinquency, or to contest immediate service of such order, or to modify, suspend or terminate an administrative order for withholding shall be governed by Section 104.102, except that subsections (a)(2) and (c) shall not apply, and the following terms as used therein are redefined:

- 1) "administrative support order" shall mean an administrative order for withholding of notice of delinquency or notice for immediate withholding.
- 2) "liability" shall mean the accuracy of the notice for immediate withholding, or the accuracy of the notice of delinquency, based upon the administrative order for withholding, or the force and effect to be given to such order, each as referred to for judicial orders for withholding in provided for by 89 Ill. Adm. Code 160.75(c), (e), (g), (h) and (i) 160.75(a), (f) and (h).
- b) The Department shall limit any relief granted to that the types of relief authorized for use within judicial orders for withholding in provided for by 89 Ill. Adm. Code 160.75(c), (e), (g), (h) and (i) 160.75(a), (f) and (h).

(Source: Amended at 18 Ill. Reg. \_\_\_\_, effective July 1, 1994)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Illinois Long-Term Care Partnership Demonstration Program
- 2) Code Citation: 89 Ill. Adm. Code: 688
- 3) Section Numbers:

688.10	New Section	<u>Adopted Action:</u>
688.20	New Section	
688.30	New Section	
688.40	New Section	
- 4) Statutory Authority: Partnership for Long-Term Care Act (Ill. Rev. Stat. 1991, ch. 23, par. 6801-1 et seq.) [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].
- 5) Effective Date of Rule(s) (Amendments, Repealer): JUN 30 1994
- 6) Does this rulemaking contain an automatic repeal date?  
 \_\_\_ Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: 6/28/94
- 9) Notice of Proposal Published in Illinois Register:  
 March 18, 1994 \_\_\_\_, 18 Ill. Reg. 4093  
 (issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
  - A) Statement of Objection:                     , 111. Reg.                       
 (issue date)
  - B) Agency Response:                     , 111. Reg.                       
 (issue date)
  - C) Date Agency Response Submitted for Approval to JCAR: \_\_\_\_\_
- 11) Difference(s) between proposal and final version: JCAR Technical changes.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers	Proposed Action	Illinois Register Citation
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15)	Summary and Purpose of Rule(s): The purpose of this regulation is to implement Public Act 87-163 through the establishment of a private/public Long-Term Care Insurance Demonstration Program. Regulation 688 is composed of 4 Subsections: 688.10 Authority and Purpose, 688.20 Eligibility, 688.30 Appeals, and 688.40 Scope of Services. The Department of Rehabilitation will file this rule in conjunction with the Department of Aging and the Department of Insurance.	
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16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warrner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

## ILLINOIS REGISTER

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 688

## Illinois Long-Term Care Partnership Demonstration Program

Section	Authority and Purpose
688.10	Eligibility Requirement
688.20	Appeals
688.30	Scope of Services
688.40	

AUTHORITY: Partnership for Long-Term Care Act (Ill. Rev. Stat. 1991, ch. 23, par. 6801-1 et seq.) [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

SOURCE: Adopted at 18 Ill. Reg. \_\_\_\_\_, effective **JUN 30 1994**

## Section 688.10 Authority and Purpose

a) In conjunction with the Illinois Department on Aging, the Illinois Department of Insurance, and the Illinois Department of Public Aid, this Part is promulgated pursuant to Public Act 87-163, The Partnership for Long-Term Care Act."

b) The purpose of this regulation is to implement Public Act 87-163 through the establishment of a private/public Long-Term Care Insurance Demonstration Program. This program will allow individuals who purchase private long-term care insurance that meets State standards, and who sustain extended periods of chronic illness that exhaust their private insurance benefits, to be eligible for continued in home support services through the Medicaid program based on their meeting specific resource eligibility requirements.

## Section 688.20 Eligibility Requirement

An individual under age 60 whose Long-Term Care Partnership Demonstration Program benefits have been exhausted shall be considered eligible for the DORS Home Services Program, as set forth in 89 Ill. Adm. Code 685 and 690, with the following exceptions:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED RULES

- a) non-exempt assets cannot exceed the sum of qualifying insurance benefit payments made as the result of coverage under a Long-Term Care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018 plus non-exempt assets as contained within 89 Ill. Adm. Code 687.200;
- b) points scored on the Determination of Need (DON) need only be at least 15 points on Part A of the DON, at least 10 points of which may be earned on the Mini-Mental State Exam (MMSE).
- Section 688.30 Appeals
- a) Pursuant to 50 Ill. Adm. Code 2018.100 individuals under age 60 have the right to appeal a determination of ineligibility for benefits or a designated plan of care under the Long-Term Care Partnership Demonstration Program by contacting DORS. These appeals will be conducted in accordance with 89 Ill. Adm. Code 510. The Level I Hearing Officers for appeals under this Section will be the HSP Advisors. Level II appeals will be heard pursuant to 89 Ill. Adm. Code 510.90.
- b) Individuals that have reached 60 years of age or more may appeal a determination of ineligibility pursuant to 89 Ill. Adm. Code 260.300.

## Section 688.40 Scope of Services

- a) Individuals qualifying for the DORS Home Services Program, as the result of having participated in the Long-Term Care Partnership Demonstration Program, shall receive services as defined in 50 Ill. Adm. Code 2018.30, provided through the Partnership Demonstration Program.
- b) Services provided through the Partnership Demonstration Program cannot exceed the maximum payment levels described in 89 Ill. Adm. Code 685.600.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Projects with Industry
- 2) Code Citation: 89 Ill. Adm. Code 640
- 3) Section Numbers: Adopted Action:  
640.10 New Rule  
640.20 New Rule
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].
- 5) Effective Date of Rule(s) (Amendments, Repealer): **JUN 30 1994**
- 6) Does this rulemaking contain an automatic repeal date?  
— Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: 06/28/94
- 9) Notice of Proposal Published in Illinois Register:  
March 18, 1994, 18 Ill. Reg. 4097  
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:  
A) Statement of Objection: (issue date), Ill. Reg. \_\_\_\_\_  
B) Agency Response: (issue date), Ill. Reg. \_\_\_\_\_  
C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: JCAR technical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): The Rehabilitation Act Amendments of 1992 (P.L. 102-569) which amends the Rehabilitation Act of 1973 specifically states the responsibilities of vocational rehabilitation agencies in working with Projects with Industry (PWIs). These rules bring DORS into compliance with the provisions of P.L. 102-569 pertaining to PWIs.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warrner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 640  
PROJECTS WITH INDUSTRY

Section  
640.10 General Provisions  
640.20 Eligibility Determinations

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 18 Ill. Reg. \_\_\_\_\_, effective **JUN 30 1994**

Section 640.10 General Provisions

Pursuant to Sections 621 and 622 of the Rehabilitation Act Amendments of 1992 (P.L. 102-569) which amend the Rehabilitation Act of 1973, DORS shall cooperate with the Rehabilitation Services Administration (RSA) of the U.S. Department of Education in the establishment of Projects with Industry (PWI), as appropriate and requested.

Section 640.20 Eligibility Determinations

- a) DORS shall review all favorable eligibility determinations for individuals made by any entity having an approved PWI through RSA within the State of Illinois.
- b) Upon receipt from the entity with the approved PWI of the eligibility determination and documentation on which the determination was made, the appropriate DORS local office staff person shall review the eligibility determination pursuant to the criteria in DORS' rules at 89 Ill. Adm. Code 553 - Eligibility. The outcome of this determination shall be:
  - 1) the determination is found to be appropriate, no further action is taken by DORS; or
  - 2) the determination is found to be inappropriate or in error, DORS notifies the entity with the

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF ADOPTED RULES

- c) approved PWI that the individual is not eligible to receive services through the PWI.
- c) Failure by DORS to act within the 60 calendar day period commencing upon receipt of the determination shall indicate concurrence with the determination made by the entity with the approved PWI.

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers:  
590.650 Adopted Action:  
Amendment  
590.660 Amendment  
590.670 Amendment  
590.675 New Section  
590.680 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3429 (g)) [20 ILCS 2405/0.01], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16]
- 5) Effective Date of Rule(s) (Amendments, Repealer): JUN 3 0 1994
- 6) Does this rulemaking contain an automatic repeal date?  
\_\_\_ Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: 6/28/94
- 9) Notice of Proposal Published in Illinois Register:  
March 4, 1994, 18 Ill. Reg. 3106  
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:  
A) Statement of Objection: (issue date), \_\_\_ Ill. Reg. \_\_\_  
B) Agency Response: (issue date), \_\_\_ Ill. Reg. \_\_\_  
C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: JCAR Technical changes



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): The rules recently adopted by DORS as a result of the 1992 Amendments to the Rehabilitation Act of 1973 proved cumbersome and confusing for staff and clients in their implementation. Therefore, these rules are being changed to clarify the process under which maintenance may be paid to a client of the Vocational Rehabilitation Program and simplify the process the amount of maintenance is determined.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
TTY/TDD: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590  
SERVICES

## SUBPART A: APPLICABILITY

Section  
590.10 Applicability  
590.20 Availability of Services  
590.30 Effect of Financial Status on Services  
590.35 Effect of Comparable Benefits  
590.40 Choice of Service Providers

## SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section  
590.50 Provision of Services  
590.60 Qualification of Medical and Psychological Service Providers  
590.70 Treatment of Acute Conditions  
590.80 Medication and Treatment  
590.90 Hearing Aids  
590.100 Binaural Hearing Aids  
590.110 Speech and Language Services  
590.120 Low Vision Aids  
590.130 Mental Restoration Services  
590.140 Heart Surgeries  
590.150 Kidney Transplant and Related Services  
590.160 Chiropractic Services  
590.170 Prosthetic and Orthotic Device  
590.180 Wheelchairs  
590.190 Prohibited Services

## SUBPART C: TRAINING AND RELATED SERVICES

Section  
590.200 Provision of Services  
590.210 Qualification of Training Facilities/Institutions  
590.220 Purpose and Types of Training  
590.230 Financial Guidelines for Training Services  
590.240 Graduate School Training  
590.250 Choice of Training Facility/Institution  
590.260 Summer School  
590.270 Grades

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

590.280 Health Status  
 590.290 On-the-Job Training  
 590.300 Default on Educational Loans

## SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section  
 590.310 Provision of Services  
 590.320 Self-Employment Program  
 590.330 Services/Goods not Available  
 590.340 Bidding Requirements  
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock  
 590.360 Transfer of Title  
 590.370 Limitation of Financial Participation

## SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section  
 590.375 Provision of Services  
 590.380 Vendor Requirements  
 590.390 Bidding Requirements  
 590.400 Vehicle Adaptation  
 590.410 DORS Financial Participation in Van Adaptation  
 590.420 Environmental Modification  
 590.430 Written Agreements for Environmental Modification  
 590.440 Compliance with Capital Development Board Specifications

## SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section  
 590.450 Provision of Services  
 590.460 Types of Services  
 590.470 Provision of Services  
 590.480 Qualifications for Services Provided by Individuals  
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

## SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section  
 590.500 Provision of Services  
 590.510 Definitions  
 590.520 Purpose  
 590.530 Criteria for Equipment Loan  
 590.540 Equipment Loan Request Procedures and Approval Process

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

590.550 Duration of Loans  
 590.560 Maintenance and Return of Equipment/Aids  
 590.570 Assistance in Obtaining Permanent Equipment  
 590.580 Limitations on Available Equipment/Aids

## SUBPART H: OTHER SERVICES

Section  
 590.590 Provision of Services  
 590.600 Transportation and Temporary Lodging  
 590.610 Other Goods and Services  
 590.620 Equipment Sets

## SUBPART I: PLACEMENT

Section  
 590.630 Provision of Services  
 590.640 Description of Services

## SUBPART J: MAINTENANCE

Section  
 590.650 Provision of Services  
 590.660 Definitions  
 590.670 Determination of the Need for Maintenance  
 590.675 Determination of Client Financial Participation in Maintenance  
 590.680 Exceptions to Subsistence-Standards Basic Needs Level

## SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services  
 590.710 Definitions  
 590.720 Scope of Services

## SUBPART L: TRANSITION

590.730 Provision of Services  
 590.740 Definitions  
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3429(g)) [20 ILCS 2405/0.01], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16]

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993, amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994.

SUBPART J: MAINTENANCE

Section 590.650 Provision of Services

All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part, except that the provisions of Section 590.30 shall not apply.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

Section 590.660 Definitions

For the purpose of this Subpart, the following term shall have the following meanings.

Additional Costs - those costs incurred by a client as a direct result of his/her participation in an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572).

Basic Needs - the minimum amount or level of goods and services an individual needs to subsist in an environment which does not put the individual at undue risk to health and safety. These needs include housing, food, clothing, utilities (e.g., electricity, natural gas, water and sewer charges, and local telephone service), personal hygiene products, and on-going medical care.

Basic needs do not include expenses for items such as cosmetics, cable television, entertainment, long distance telephone charges, or costs associated with an individual's choice of living arrangements.

Maintenance - Monies paid to a client to cover

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

additional costs, as defined above.

Subsistence-----a standard-of-living-at-which-only the basic human needs are attained.-For the purposes of this Subpart, DORS shall use the 185% of the Standard Need (89 Ill. Adm. Code-111-and-112)-as determined by Department of Public Aid for its Aid-to-Families-with-Dependent Children Program, except that DORS shall use the number of the assistance unit size to be the family size of the client's family.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JUN 3 0 1994)

Section 590.670 Determination of the Need for Maintenance

a) Maintenance, as defined in Section 590.660, shall be provided to a client to cover the additional costs incurred as a result of participation in the services and activities necessary to overcome the impediment to employment in line with the provisions of Section 590.680 and as listed in the IWRP (89 Ill. Adm. Code 572).

b) DORS shall use the full cost of any item or services required by a client as a direct result of his/her participation in his/her IWRP in the determination of maintenance. To determine the amount of maintenance which DORS can provide to an individual, DORS shall subtract the individual's actual cost for basic needs prior to beginning VR services from the anticipated cost for basic needs while participating in VR services. This amount, less any required client financial participation towards maintenance (Section 590.675) shall be the amount of maintenance for which an individual is eligible.

c) In the event a client must relocate to a county other than his/her normal county of residence as a direct result of his/her participation in his/her IWRP, DORS shall use the 185% of Standard Need costs for a family of the size of the client's for each county. If the subsistence cost for the county to which the client is required to move is higher than



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

the subsistence cost of his/her normal county-of residence; DORS may, in addition to the maintenance described in Subsection (b) above, pay an amount up to the difference between the two subsistence amounts. To establish the anticipated cost for basic needs for an individual while participating in VR services, DORS shall:

- 1) use the lowest cost for living expenses published by the facility the individual will be attending if there is a published cost; or
- 2) if such a cost is not published, require a full documented listing of these costs, prepared and agreed to by the client and counselor. The costs used for this listing must be from documentable sources and of a nature which would be relied upon by a reasonably prudent individual in the conduct of his/her affairs.

- d) Pursuant to DORS rules in Section 590.40, the client may choose his/her living arrangement, but DORS, in the calculation of maintenance, shall use the lowest cost determined by the counselor as adequate and necessary to meet the client's basic needs.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective

JUN 30 1994)

Section 590.675 Determination of Client Financial Participation in Maintenance

After Additional Costs are determined, all client income that can reasonably be expected to be used towards basic needs (e.g., SSI, SSDI, wages and earnings, unrestricted financial aid) shall be deducted from the gross monthly maintenance amount to determine the amount payable by DORS as maintenance.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective

JUN 30 1994)

Section 590.680 Exceptions to Subsistence Standards  
Basic Needs Level

- a) If, because of exceptional circumstances or the client's disability, and/or circumstances beyond DORS control a client cannot be expected to exist

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

on the amount determined as subsistence for basic needs, a client's maintenance may be increased to the minimum level determined necessary for him/her to exist.

- b) Such an increase may only be granted with supervisory approval and then only when the counselor, with assistance from the client, can fully document why the client cannot be expected to exist on the subsistence amount determined necessary to meet basic needs and when all costs over and above the subsistence this amount are clearly identified and documented in the client's case file.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective

JUN 30 1994)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Floodway Construction in Northeastern Illinois
- 2) Code Citation: 92 Ill. Adm. Code 708
- 3) Section Numbers: Adopted Action:  
708.60 Amend  
708.70 Amend
- 4) Statutory Authority: 615 ILCS 5/18g
- 5) Effective date of rules: JUL 05 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in agency's principal office: June 23, 1994
- 9) Notice of proposal published in Illinois Register:  
February 4, 1994, 18 Ill. Reg. 1811

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

The Ill. Rev. Stat. citation has been deleted in the Authority Note.

Section 708.70 is now correct and consistent with what is currently on file.

The name of the Act has been corrected in the Authority Note.

Section 708.60(e) is now all one paragraph.

At Section 708.70(a), the comma has been deleted after the word "SERVICES."

At Section 708.70(b)(1), the word "this" has been stricken from the third line.

At Section 708.70(c)(1), the "(a)" has been stricken before "(4)";.

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

- At new Section 708.70(c)(12), a comma has been inserted after the word "increased." The comma after the word "and," in the fourth line has been deleted.
- At new Section 708.70(c)(13), the comma after the word "patios" has been deleted.
- At Section 708.70(d)(2)(C)(iii), the Department changed the reference to the subsection referenced here.
- At Section 708.70(d)(9), the Department inserted the words "flood study profile" after the words "elevation of the regulatory floodway." Also in this subsection, the Department added an "s" to the word "subsection" and put a colon after the word "follows." In subsections (d)(10) and (12), "this section" has been changed to "this Section".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules:

This rulemaking amends a requirement at Section 708.60 that studies to define a regulatory floodway be based on anticipated future land use in the watershed. Under the amendment, the Department encourages, but no longer requires, that future land use in the watershed be utilized in determining the 100-year frequency flood event to be used in defining the regulatory floodway. The amendment further clarifies that, if future land use is utilized in the study, the projected future land use should be based on an adopted local or regional plan.

This rulemaking also amends the list of appropriate uses of designated floodways listed in Section 708.70. The existing list of appropriate uses includes parking lots at or below grade only where the depth of flooding at the 100-year frequency event is one foot or less. The amendment allows parking lots subject to a greater depth of flooding to be built if the parking lot is to be used for a short-term outdoor recreational use. Additionally, the applicant must agree to restrict access during flooding events and agree to accept liability for damages caused by vehicular access during flooding events and agree to accept liability for damages caused by vehicular access during a flood. This amendment also clarifies that aircraft parking aprons are appropriate uses only when built at or

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENT(S)  
  
TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER i: WATER RESOURCES

PART 708  
FLOODWAY CONSTRUCTION IN NORTHEASTERN ILLINOIS

Section	Purpose
708.10	Definitions
708.20	Jurisdiction
708.30	General Provisions
708.40	Regulatory Floodway Maps
708.50	Delineation of the Regulatory Floodway
708.60	Permitting Appropriate Uses of the Regulatory Floodway
708.70	Changes to the Regulatory Floodway
708.80	Delegation to Municipalities and Counties
708.90	Violations
708.100	Permit Application
708.110	Public Notice
708.120	Public Hearings
708.130	Time to Permit Issuance; Emergency Authorizations;
708.140	Duration; Revisions
708.150	Permit Conditions
708.160	General Permits
708.170	Regional Permits
708.180	Final Administrative Decisions
708.190	Effective Date

AUTHORITY: Implementing and authorized by Section 18g of the Rivers, Lakes and Streams Act [615 ILCS 5/18g].

SOURCE: Adopted at 12 Ill. Reg. 20547, effective November 29, 1988; amended at 13 Ill. Reg. 8667, effective May 23, 1989; amended at 16 Ill. Reg. 194, effective December 19, 1991; amended at \_\_\_\_\_, Ill. Reg. \_\_\_\_\_, effective JUL 05 1994.

Section 708.60 Delineation of the Regulatory Floodway

- a) The regulatory floodway is defined based on a flood event that has a one percent chance of occurring in any given year or an expected 100-year recurrence interval. The Department encourages, but does not require, that the 100-year frequency flood event be determined based on anticipated future land use in the watershed.

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

below ground elevation and where the depth of flooding at the 100-year frequency event is one foot or less.

Finally, this rulemaking amends Section 708.70 (d)(12) by clarifying that public flood control projects referred to in this subsection are those defined in Section 708.20, "Definitions."

16) Information and questions regarding these adopted rules shall be directed to:

Mr. David Boyce, P.E.  
Chief, Floodplain Management Section  
Illinois Department of Transportation  
Division of Water Resources  
P. O. Box 19484  
Springfield, Illinois 62794-9484

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

When utilized, the anticipated future land use should ~~be~~ based on adopted local ~~and~~ regional land use plans.

b) The boundary of the regulatory floodway is portrayed on Department regulatory floodway maps. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the Division should be contacted for the interpretation.

c) The regulatory floodway boundaries are determined by hydraulic and hydrologic analyses, which calculate that portion of the flood plain which must be preserved to store and discharge floodwaters without causing damaging or potentially damaging increases in flood stage and flood velocities or loss of flood storage which would result singularly or cumulatively in more than a 0.1 foot increase in flood stage or a 10% increase in velocity.

d) The need to preserve storage when defining the regulatory floodway will be waived by the Department if all the municipalities and counties along a hydraulically significant portion of the watershed require effective compensatory storage for all construction and fill in the 100-year frequency flood plain. Effective compensatory storage requires flood plain storage volumes be replaced at the same flood frequency event as previously existed. Additionally, legal assurances such as easements must be provided so that the compensatory storage site will remain open to the stream system in order to allow flood waters to reach it.

e) Determination of the flood elevation at any point along the stream shall be made from the flood profile. All elevations shown on the regulatory floodway map and on the associated flood profiles shall refer to Mean Sea Level (1929 adjustment).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
**JUL 05 1994**)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

Section 708.70 Permitting Appropriate Uses of the Regulatory Floodway

a) The Department will issue permits for appropriate uses of the regulatory floodway of which PERIODIC INUNDATION WILL NOT POSE A DANGER TO THE GENERAL HEALTH AND WELFARE OF THE USER OR REQUIRE THE EXPENDITURE OF PUBLIC FUNDS OR THE PROVISIONS OF PUBLIC RESOURCES OR DISASTER RELIEF SERVICES (Section 18g of the Act) or result in increased flood stages due to the singular or cumulative loss of regulatory floodway storage or regulatory floodway conveyance or increase in flood velocities.

b) To receive a permit for work in the regulatory floodway, the proposed construction shall meet two criteria:

- 1) The proposed construction shall be an appropriate use of the regulatory floodway as defined in ~~this~~ subsection (c); and
- 2) The proposed construction shall not reduce the regulatory floodway storage or conveyance and shall not increase regulatory floodway velocities.

c) Appropriate uses of the regulatory floodway that will be considered for permit issuance consist of construction, modification, repair, or replacement of:

- 1) FLOOD CONTROL STRUCTURES, DIKES, DAMS AND OTHER PUBLIC WORKS OR PRIVATE IMPROVEMENTS RELATING TO THE CONTROL OF DRAINAGE, FLOODING OR EROSION (Section 18g of the Act) or water quality or habitat for fish and wildlife (e.g. Section 708.80(a)(3) and ~~4a~~(4));
- 2) STRUCTURES OR FACILITIES RELATING TO THE USE OF, OR REQUIRING ACCESS TO, THE WATER OR SHORELINE, SUCH AS PUMPING AND TREATMENT FACILITIES, AND FACILITIES AND IMPROVEMENTS RELATED TO RECREATIONAL BOATING, COMMERCIAL SHIPPING AND OTHER FUNCTIONALLY DEPENDENT USES (Section 18g of the Act);
- 3) Storm and sanitary sewer outfalls;
- 4) Underground and overhead utilities;

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 5) Recreational facilities such as playing fields and trail systems including any related fencing built parallel to the direction of flood flows;
- 6) Detached GARAGES, STORAGE SHEDS, OR OTHER non-habitable ACCESSORY STRUCTURES TO EXISTING BUILDINGS THAT WILL NOT BLOCK FLOOD FLOWS. THIS DOES NOT INCLUDE THE CONSTRUCTION OR PLACEMENT OF ANY OTHER NEW STRUCTURES, (Section 18g of the Act) fill, building additions, buildings on stilts, fencing (including landscaping or plantings designed to act as a fence) and the storage of materials;
- 7) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;

8) Parking lots built at or below existing grade where either:

- A) the depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; or
- B) the parking lot is for short-term outdoor recreational use facilities where the applicant agrees to restrict access during overbank flooding events and agrees to accept liability for all damage caused by vehicular access during all overbank flooding events;

9) Parking lots (where depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot) and aircraft parking aprons built at or below ground elevation where the depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; and any modification thereto;

10) Regulatory floodway regrading, without fill, to create a positive slope toward a watercourse;

11) Flood proofing activities to protect existing structures such as, but not limited to, constructing water tight window wells, and elevating;

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 12) The replacement, reconstruction or repair of a damaged building, provided that the outside dimensions of the building are not increased, and provided that, if the building is damaged to 50% or more of the building's market value before it was damaged, the building will be protected from flooding to or above the 100-year frequency flood elevation; and
- 13) Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which would not block flood flows including but not limited to, fireplaces, bay windows, decks, patios and second story additions.

d) The construction of an appropriate use below the 100-year frequency flood elevation will be considered permissible provided the proposed project meets the following criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer or in the case of a federal project, by the federal agency:

- 1) In the case of the construction of a new bridge or culvert crossing and roadway approach, the proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements; or a flood control project is built to mitigate the increased backwater due to the structure.

- 2) In the case of bridge and culvert reconstruction or modification, the bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage. The proposed construction shall meet the following criteria:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

A) The proposed structure, including approach roads, does not result in an increase in upstream stages for normal and flood flows when compared to the existing structure.

B) On publicly navigated waterways, the proposed structure is not an obstruction to navigation.

C) The determination as to whether the existing structure is a source of flood damage shall be made according to the following method:

i) Determine the increase in upstream flood profile due to the existing bridge or culvert by calculation or from the flood study used to delineate the regulatory floodway for all reported flood profiles up to and including the 100-year flood.

ii) Determine if there are any buildings or structures located in the 100-year flood plain upstream of the existing bridge or culvert that may be subjected to flooding. The upstream flood plain shall be checked for the length of stream required for the backwater impacts due to the existing bridge or culvert to be reduced to 0.1 foot or less.

iii) Collect the low opening elevations or lowest damageable elevations of the upstream buildings and structures as identified in subsection (d)(2)-(e)(ii), above. Determine if any buildings or structures are subject to inundation by the 100-year frequency flood event.

3) In the case of bridge or culvert reconstruction and modification, if the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, based on the above review, the applicant's engineer must evaluate the

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

A) The applicant's engineer must submit to the Department his or her evaluation to justify why the proposed structure should be designed to allow an increase in the upstream flood stage of more than 0.1 foot when compared to a flood stage without the existing bridge or culvert or roadway approach in place for all flood events up to and including the 100-year frequency event.

B) The evaluation shall also consider the feasibility of containing the upstream flood stage increases within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or flood walls), or within recorded flood easements; or constructing a flood control project to mitigate the increased backwater due to the structure.

4) In the case of any other on-stream structure built for the purpose of backing up water in the stream during normal or flood flows, but not permitted as a dam according to 92 Ill. Adm. Code 702 (Construction and Maintenance of Dams), the proposed structure shall not result in an increase of upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements; or a flood control project is built to mitigate the increased backwater due to the structure.

5) In the case of the construction of appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors must be taken into consideration:

- A) Regulatory floodway conveyance, "K"  
=  $\frac{1.486}{n} AR^{2/3}$   
where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959 Edition, McGraw-Hill Book Company, New York, New York. This incorporation contains no later editions or amendments.)
- B) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
- C) Transition sections must be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to the Department through engineering calculations and model tests that more abrupt transitions may be used with the same efficiency:
  - i) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
  - ii) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

- iii) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
  - iv) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.
  - v) All cross-sections used in the calculations must be located perpendicular to flood flows.
- 6) For all appropriate uses, compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage must be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing 10-year flood elevation must be replaced below the proposed 10-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation must be replaced above the proposed 10-year flood elevation. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer must demonstrate to the Department through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
- 7) For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities. However in the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

- 8) When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses, transition sections must be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to the Department through engineering calculations and model tests that more abrupt transitions may be used with the same efficiency:

- A) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;
- B) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and
- C) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

- 9) If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations. However, for bridge and culvert construction or reconstruction, a smaller bridge or culvert may be built if it can be demonstrated to the Department that the proposed structure would meet the requirements of this section for the 100-year frequency flood elevation of the regulatory floodway flood study

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

profile and would not be a source of flood damage as determined according to the method described in ~~subsection~~ subsections (d)(2)(C)(i)-(iii), to any existing upstream building or structure when analyzed as follows:-i

The proposed bridge or culvert shall be analyzed for a 100-year flood frequency flow on the tributary stream and for all tailwater elevations on the receiving stream between and including the normal water elevation and the 10-year flood frequency elevation.

- 10)

If an applicant learns from the Department, local government, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a public flood control project is scheduled to be built within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this ~~section~~ Section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

- 11)

In the case of flood proofing activities, if construction is required beyond the outside dimensions of an existing building, the flood proofing construction shall be placed as close as possible to the existing building and be the minimum width necessary to protect the building. Compensation of lost storage and conveyance will not be required for flood proofing activities.

- 12)

For public flood control projects (as defined in Section 708.20), the permitting requirements of this ~~section~~ Section will be considered met if the applicant can demonstrate to the Department through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

- 13)

If the appropriate use would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, the applicant shall submit to the Department and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT(S)

floodway map revision and receive from the Department a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by the Department until as-built plans are submitted and accepted by FEMA and the Department. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas must concur with the proposed conditional regulatory floodway map revision before Department approval can be given.

14) All engineering analyses shall be performed by or under the supervision of a registered professional engineer, except in the case of a federal project.

15) All dams, as defined by 92 Ill. Adm. Code 702, shall meet the permitting requirements of Part 702 (Construction and Maintenance of Dams).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JUL 05 1994)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Pay Plan

2) The Code Citation: 80 Ill. Adm. Code 310

3) Section Numbers: Emergency Action:

310.100

Amended

310.110

Amended

310. Appendix B

Amended

4) The specific statutory citation upon which the rule is based and authorized:

Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2) [20 ILCS 415/8a.2]

5) The effective date of the rule: JUL 0 1 1994

6) If this emergency rule is to expire before the end of the 150 days period, please specify the date:

The emergency amendment will extend to the full 150 days.

7) Date filed in Agency's principle office: JUL 0 1 1994

8) The reason for the emergency:

This emergency filing is necessary to implement the Pay Plan changes for Fiscal Year 1995 affecting the Schedule of Salary Grades. It was determined that the rates for this group of employees should not be set until major contract increases were completed.

9) A Complete Description of the Subjects and Issues Involved:

The Department of Central Management Services is filing an emergency amendment to implement the Fiscal Year 1995 Pay Plan changes that affect those employees subject to the Schedule of Salary Grades. The following sections are being amended:

In Section 310.100, Other Pay Provisions, under "b) Entrance Salary", the entrance salary grade step is being changed from Step 1 to Step 1a.

Under "j) Extended Service Payment", for those employees who have attained ten years of service with three years of creditable service on Step 7 in the same pay grade, the Step 7 rate shall be increased by \$25.00 per month. Also, for those employees who have attained fifteen years of service with three years of creditable service on Step 7 in the same pay grade, the Step 7 rate shall be increased by \$50.00 per month. These rate increases shall be effective July 1, 1994.



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

Under "k) Bi-lingual Pay", employees whose job descriptions require the use of sign language or a second language shall have 4% or \$75.00 per month whichever is greater added to their base rates, effective October 1, 1994; and 5% or \$100.00 per month whichever is greater will be added to the employee base rates, effective July 1, 1995.

In Section 310.110, Implementation of Pay Plan Changes for Fiscal Year 1995, the fiscal year to which the changes apply is being revised from Fiscal Year 1994 to Fiscal Year 1995. Paragraph "c)" is being added to reflect that the minimum for each salary range that was in effect as of July 1, 1993, will remain the same and be put into the Fiscal Year 1995 Schedule of Salary Grades as Step 1a.

In Section 310.280, Designated Rate, this section is being updated to reflect changes already approved by the Governor.

In Section 310. Appendix B, the Schedule of Salary Grades is being revised to reflect the same general increase of 3% that the AFSCME Collective Bargaining Units received for July 1, 1994, to maintain alignment.

10) Are there any proposed amendments pending to this part? No

Section Number	Proposed Action	Ill. Reg. Citation
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11) Statement of Statewide Policy Objectives:

This rulemaking does not affect local government units.

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

The full text of the Emergency Rule is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN  
SUBPART A: NARRATIVE

Section	Policy and Responsibilities
310.20	Jurisdiction
310.30	Pay Schedules
310.40	Definitions
310.50	Conversion of Base Salary to Pay Period Units
310.60	Conversion of Base Salary to Daily or Hourly Equivalents
310.70	Increases in Pay
310.80	Decreases in Pay
310.90	Other Pay Provisions
310.100	Implementation of Pay Plan Changes for Fiscal Year 1994 1995
310.110	EMERGENCY
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICE

## NOTICE OF EMERGENCY AMENDMENTS

310.310 Physician Specialist Rate  
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director,  
 State Board of Elections  
 310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section  
 310.410 Jurisdiction  
 310.420 Objectives  
 310.430 Responsibilities  
 310.440 Merit Compensation Salary Schedule  
 310.450 Procedures for Determining Annual Merit Increases  
 310.455 Intermittent Merit Increase  
 310.460 Merit Zone  
 310.465 Other Pay Increases  
 310.470 Adjustment  
 310.480 Decreases in Pay  
 310.490 Other Pay Provisions  
 310.495 Senior Public Service Administrator System  
 310.500 Definitions  
 310.510 Conversion of Base Salary to Pay Period Units  
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents  
 310.530 Implementation  
 310.540 Annual Merit Increase Guidechart for Fiscal Year 1994  
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984  
 (Repealed)

## APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)  
 TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)  
 TABLE C RC-069 (Firefighters, AFSCME)  
 TABLE D HR-001 (Teamsters Local #726)  
 TABLE E RC-020 (Teamsters Local #330)  
 TABLE F RC-019 (Teamsters Local #25)  
 TABLE G RC-045 (Automotive Mechanics, IFPE)  
 TABLE H RC-006 (Corrections Employees, AFSCME)  
 TABLE I RC-009 (Institutional Employees, AFSCME)  
 TABLE J RC-014 (Clerical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICE

## NOTICE OF EMERGENCY AMENDMENTS

TABLE K RC-023 (Registered Nurses, INA)  
 TABLE L VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)  
 TABLE M RC-110 (Conservation Police Lodge)  
 TABLE N RC-010 (Professional Legal Unit, AFSCME)  
 TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)  
 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)  
 TABLE Q RC-033 (Meat Inspectors, IFPE)  
 TABLE R RC-042 (Residual Maintenance Workers, AFSCME)  
 TABLE S RC-012 (Fair Employment Practices Employees, SEIU)  
 TABLE T HR-010 (Teachers of Deaf, IFT)  
 TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)  
 TABLE V CU-500 (Corrections Meet and Confer Employees)  
 TABLE W RC-062 (Technical Employees, AFSCME)  
 TABLE X RC-063 (Professional Employees, AFSCME)  
 TABLE Y RC-063 (Educators, AFSCME)  
 TABLE Z RC-063 (Physicians, AFSCME)  
 APPENDIX B Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1994  
 APPENDIX C Medical Administrative Rates for Fiscal Year 1994  
 APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 1994  
 APPENDIX E Teaching Salary Schedule (Repealed)  
 APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)  
 APPENDIX G Senior Public Service Administrator Salary Schedule, effective August 16, 1993

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) [20 ILCS 4158a(2)].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days;



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

III. Reg. 16950, effective October 20, 1989; amended at 13 III. Reg. 19221, effective December 12, 1989; amended at 14 III. Reg. 615, effective January 2, 1990; peremptory amendment at 14 III. Reg. 1627, effective January 11, 1990; amended at 14 III. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 III. Reg. 7652, effective May 7, 1990; amended at 14 III. Reg. 10002, effective June 11, 1990; emergency amendment at 14 III. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 III. Reg. 14361, effective August 24, 1990; emergency amendment at 14 III. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 III. Reg. 16092; peremptory amendment at 14 III. Reg. 17098, effective September 26, 1990; amended at 14 III. Reg. 17189, effective October 2, 1990; amended at 14 III. Reg. 17189, effective October 19, 1990; amended at 14 III. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 III. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 III. Reg. 663, effective January 7, 1991; amended at 15 III. Reg. 3296, effective February 14, 1991; amended at 15 III. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 III. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 III. Reg. 5465, effective April 2, 1991; emergency amendment at 15 III. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 III. Reg. 11080, effective July 19, 1991; amended at 15 III. Reg. 13080, effective August 21, 1991; amended at 15 III. Reg. 14210, effective September 23, 1991; emergency amendment at 16 III. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 III. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 III. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 III. Reg. 7056, effective April 20, 1992; emergency amendment at 16 III. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 III. Reg. 8382, effective May 26, 1992; emergency amendment at 16 III. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; amended by 17 III. Reg. 238, effective December 23, 1992; peremptory amendment at 17 III. Reg. 498, effective December 18, 1992; amended at 17 III. Reg. 590, effective January 4, 1993; amended at 17 III. Reg. 1819, effective February 2, 1993; amended at 17 III. Reg. 6441, effective April 8, 1993; emergency amendment at 17 III. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 III. Reg. 13409, effective July 29, 1993; emergency amendment at 17 III. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; amended at 17 III. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; emergency amendment at 17 III. Reg. 19103, effective October 25, 1993; emergency amendment at 17 III. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 III. Reg. 22514, effective December 15, 1993; amended at 18 III. Reg. 1107, effective January 18, 1994; amended at 18 III. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 III. Reg. 9562, effective June 13, 1994; emergency amendment at 18 III. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for a maximum of 150 days.

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICE

## NOTICE OF EMERGENCY AMENDMENTS

amended at 9 III. Reg. 1320, effective January 23, 1985; amended at 9 III. Reg. 3681, effective March 12, 1985; emergency amendment at 9 III. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 III. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 III. Reg. 9420, effective June 7, 1985; amended at 9 III. Reg. 10663, effective July 1, 1985; emergency amendment at 9 III. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 3325, effective January 22, 1986; amended at 10 III. Reg. 3230, effective January 24, 1986; emergency amendment at 10 III. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 8928, effective May 13, 1986; emergency amendment at 10 III. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 III. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 III. Reg. 14867, effective August 26, 1986; amended at 10 III. Reg. 15567, effective September 17, 1986; emergency amendment at 10 III. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 11 III. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 III. Reg. 21097, effective December 9, 1986; amended at 11 III. Reg. 648, effective December 22, 1986; peremptory amendment at 11 III. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 III. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 III. Reg. 6291, effective March 23, 1987; amended at 11 III. Reg. 5901, effective March 24, 1987; emergency amendment at 11 III. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 III. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 III. Reg. 13675, effective July 29, 1987; amended at 11 III. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 III. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 III. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 III. Reg. 19812, effective November 19, 1987; emergency amendment at 11 III. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 III. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 III. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 III. Reg. 5459, effective March 3, 1988; amended at 12 III. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 III. Reg. 7783, effective April 14, 1988; emergency amendment at 12 III. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 III. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 III. Reg. 9745, effective May 23, 1988; emergency amendment at 12 III. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 III. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 III. Reg. 13306, effective July 27, 1988; corrected at 12 III. Reg. 13359; amended at 12 III. Reg. 14630, effective September 6, 1988; amended at 12 III. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 III. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 III. Reg. 8080, effective May 10, 1989; amended at 13 III. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 III. Reg. 8970, effective May 26, 1989; emergency amendment at 13 III. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 III. Reg. 11451, effective June 28, 1989; emergency amendment at 13 III. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 III. Reg. 12647, peremptory amendment at 13 III. Reg. 12887, effective July 24, 1989; amended at 13



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Section 310.100 Other Pay Provisions

a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.

b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step-1 Step 1a of the salary grade.

## 1) Qualifications above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Such qualifications above the minimum requirements must possess documented support for higher than the Step-1 Step 1a entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

c) Differential and overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## 2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- d) **Part-Time Work** -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.
- e) **Out-of-State Assignment** -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- f) **Lump Sum Payment** -- Shall be provided for accrued vacation and overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

**AGENCY NOTE** -- The method to be used in computing lump sum payment for accrued vacation and overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.

- g) **Salary Treatment Upon Return From Leave** -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.
- h) **Salary Treatment Upon Reemployment** --
- 1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
  - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- i) **Reinstatement** -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- j) **Extended Service Payment** -- Effective January 1, 1992, the Step 7 rate shall be increased by \$25.00 per month, for those employees who have attained fifteen (15) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.
- 1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten (10) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.
  - 2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen (15) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.
- k) **Bi-lingual Pay** --
- 1) Effective January 1, 1992, individual positions whose job descriptions require the use of sign language or a second language, shall receive an additional \$25.00 per month in addition to the employee's base rate.
  - Effective October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language, shall receive an additional 4% or \$75.00 per month whichever is greater in addition to the employee's base rate.
  - 2) Effective January 1, 1993, individual positions whose job descriptions require the use of sign language or a second language, shall receive \$50.00 per month in addition to the employee's base rate.
  - Effective July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language, shall receive an additional 5% or \$100.00 per month whichever is greater in addition to the employee's base rate.
  - 3) Effective January 1, 1994, individual positions whose job descriptions require the use of sign language or a second language, shall receive \$75.00 per month in addition to the employee's base rate.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective JUL 0 1 1994, for a maximum of 150 days)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 1994 1995

- a) The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1994 1995.
- b) Any employee who received a salary payment for part of Fiscal Year 1993 1994 that did not reflect the rates in Section 310. Appendix B for Fiscal Year 1994 1995, shall receive a lump sum payment equal to the difference between what was initially paid and what is appropriate per that provision.
- c) The Step 1 rate for each salary range that was in effect as of July 1, 1993, will remain the same and be put into the Fiscal Year 1995 Schedule of Salary Grades as Step 1a.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective JUL 01 1994, for a maximum of 150 days)

## Section 310. Appendix B Schedule of Salary Grades -- Monthly and Annual Rates of Pay for Fiscal Year 1994 1995

Grade	Minimum							Maximum	
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 6	Step 7
1	1,284	1,324	1,360	1,399	1,444	1,482	1,551	1,482	1,551
	15,408	15,888	16,320	16,788	17,328	17,784	18,612	17,784	18,612
2	1,324	1,360	1,399	1,446	1,487	1,528	1,599	1,528	1,599
	15,888	16,320	16,788	17,352	17,844	18,336	19,188	17,844	18,336
3	1,360	1,399	1,447	1,490	1,532	1,576	1,657	1,576	1,657
	16,320	16,788	17,364	17,880	18,384	18,912	19,884	18,912	19,884
4	1,399	1,447	1,493	1,536	1,587	1,631	1,715	1,631	1,715
	16,788	17,364	17,916	18,432	19,044	19,572	20,580	19,572	20,580
5	1,447	1,495	1,545	1,594	1,641	1,689	1,773	1,689	1,773
	17,364	17,940	18,540	19,128	19,692	20,268	21,276	20,268	21,276
6	1,495	1,546	1,596	1,650	1,702	1,757	1,846	1,757	1,846
	17,940	18,552	19,152	19,800	20,424	21,084	22,152	21,084	22,152

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

7	1,546	1,599	1,655	1,712	1,767	1,826	1,924	1,826	1,924
	18,552	19,188	19,860	20,544	21,204	21,912	23,088	21,912	23,088
8	1,599	1,660	1,719	1,784	1,842	1,905	2,006	1,905	2,006
	19,188	19,920	20,628	21,408	22,104	22,860	24,072	22,860	24,072
9	1,660	1,722	1,789	1,853	1,923	1,989	2,092	1,989	2,092
	19,920	20,664	21,468	22,236	23,076	23,868	25,104	23,868	25,104
10	1,724	1,799	1,864	1,935	2,003	2,076	2,190	2,076	2,190
	20,688	21,588	22,368	23,220	24,036	24,912	26,280	24,912	26,280
11	1,800	1,875	1,944	2,023	2,098	2,170	2,291	2,170	2,291
	21,600	22,500	23,328	24,276	25,176	26,040	27,492	26,040	27,492
12	1,885	1,965	2,039	2,123	2,201	2,284	2,412	2,284	2,412
	22,620	23,580	24,468	25,476	26,412	27,408	28,944	27,408	28,944
13	1,967	2,050	2,138	2,224	2,309	2,397	2,533	2,397	2,533
	23,604	24,600	25,656	26,688	27,708	28,764	30,396	28,764	30,396
14	2,062	2,151	2,242	2,342	2,431	2,525	2,671	2,525	2,671
	24,744	25,812	26,904	28,104	29,172	30,300	32,052	30,300	32,052
15	2,153	2,253	2,351	2,448	2,548	2,643	2,800	2,643	2,800
	25,836	27,036	28,212	29,376	30,576	31,716	33,600	31,716	33,600
16	2,262	2,367	2,475	2,578	2,685	2,793	2,958	2,793	2,958
	27,144	28,404	29,700	30,936	32,220	33,516	35,496	33,516	35,496
17	2,373	2,486	2,602	2,711	2,821	2,936	3,111	2,936	3,111
	28,476	29,832	31,224	32,532	33,852	35,232	37,332	35,232	37,332
18	2,501	2,623	2,745	2,869	2,987	3,106	3,290	3,106	3,290
	30,012	31,476	32,940	34,428	35,844	37,272	39,480	37,272	39,480
19	2,637	2,771	2,901	3,035	3,163	3,296	3,495	3,296	3,495
	31,644	33,252	34,812	36,420	37,956	39,552	41,940	39,552	41,940
20	2,786	2,926	3,063	3,209	3,347	3,484	3,698	3,484	3,698
	33,432	35,112	36,756	38,508	40,164	41,808	44,376	41,808	44,376



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Grade	Minimum							Maximum		
	Step 1a 1/	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7		
21	2,942	3,093	3,243	3,393	3,548	3,695	3,840	3,985	4,130	4,275
	35,304	37,116	38,916	40,716	42,516	44,316	46,116	47,916	49,716	51,516
22	3,110	3,272	3,432	3,593	3,759	3,917	4,074	4,231	4,388	4,545
	37,320	39,264	41,184	43,116	45,108	47,004	48,904	50,804	52,704	54,604
23	3,299	3,474	3,651	3,824	4,001	4,175	4,348	4,521	4,694	4,867
	39,588	41,688	43,812	45,888	48,012	50,100	52,188	54,276	56,364	58,452
3	1,360	1,401	1,441	1,490	1,535	1,578	1,623	1,667	1,711	1,755
	16,320	16,812	17,292	17,880	18,420	18,936	19,476	20,044	20,632	21,200
4	1,399	1,441	1,490	1,538	1,582	1,635	1,680	1,726	1,771	1,816
	16,788	17,292	17,880	18,456	19,024	19,620	20,160	20,720	21,280	21,840
5	1,447	1,490	1,540	1,591	1,642	1,690	1,740	1,786	1,836	1,886
	17,364	17,880	18,480	19,092	19,704	20,280	20,880	21,416	21,952	22,488
6	1,495	1,540	1,592	1,644	1,700	1,753	1,810	1,860	1,910	1,960
	17,940	18,480	19,104	19,728	20,400	21,036	21,720	22,416	23,112	23,808
7	1,546	1,592	1,647	1,705	1,763	1,820	1,881	1,942	2,000	2,058
	18,552	19,104	19,764	20,460	21,156	21,840	22,572	23,304	24,036	24,768
8	1,599	1,647	1,710	1,771	1,838	1,897	1,962	2,026	2,090	2,154
	19,188	19,764	20,520	21,252	22,056	22,764	23,544	24,324	25,104	25,884
9	1,660	1,710	1,774	1,843	1,909	1,981	2,049	2,115	2,183	2,251
	19,920	20,520	21,288	22,116	22,908	23,772	24,588	25,404	26,220	27,036
10	1,724	1,776	1,853	1,920	1,993	2,063	2,138	2,215	2,290	2,365
	20,688	21,312	22,236	23,040	23,916	24,756	25,656	26,556	27,456	28,356

1/ Entry level step for current Fiscal Year.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JUL 0 1 1994, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

11	1,800	1,854	1,931	2,002	2,084	2,161	2,235	2,360
	21,600	22,248	23,172	24,024	25,008	25,932	26,820	28,320
12	1,885	1,942	2,024	2,100	2,187	2,267	2,353	2,484
	22,620	23,304	24,288	25,200	26,244	27,204	28,236	29,808
13	1,967	2,026	2,112	2,202	2,291	2,378	2,469	2,609
	23,604	24,312	25,344	26,424	27,492	28,536	29,628	31,308
14	2,062	2,124	2,216	2,309	2,412	2,504	2,601	2,751
	24,744	25,488	26,592	27,708	28,944	30,048	31,212	33,012
15	2,153	2,218	2,321	2,422	2,521	2,624	2,722	2,884
	25,836	26,616	27,852	29,064	30,252	31,488	32,664	34,608
16	2,262	2,330	2,438	2,549	2,655	2,766	2,877	3,047
	27,144	27,960	29,256	30,588	31,860	33,192	34,524	36,564
17	2,373	2,444	2,561	2,680	2,792	2,906	3,024	3,204
	28,476	29,328	30,732	32,160	33,504	34,872	36,288	38,448
18	2,501	2,576	2,702	2,827	2,955	3,077	3,199	3,389
	30,012	30,912	32,424	33,924	35,460	36,924	38,388	40,668
19	2,637	2,716	2,854	2,988	3,126	3,258	3,395	3,600
	31,644	32,592	34,248	35,856	37,512	39,096	40,740	43,200
20	2,786	2,870	3,014	3,155	3,305	3,447	3,589	3,809
	33,432	34,440	36,168	37,860	39,660	41,364	43,068	45,708
21	2,942	3,030	3,186	3,340	3,495	3,654	3,806	4,043
	35,304	36,360	38,232	40,080	41,940	43,848	45,672	48,516
22	3,110	3,203	3,370	3,535	3,701	3,872	4,035	4,285
	37,320	38,436	40,440	42,420	44,412	46,464	48,420	51,420
23	3,299	3,398	3,578	3,761	3,939	4,121	4,300	4,570
	39,588	40,776	42,936	45,132	47,268	49,452	51,600	54,840

1/ Entry level step for current Fiscal Year.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JUL 0 1 1994, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Developmental Disabilities Service

2) Code Citation: 89 Ill. Adm. Code 144

3) Section Numbers: Emergency Action:

144.5	Amendment
144.25, 144.50, 144.75	Repeal
144.100, 144.105	Repeal
144.125, 144.150, 144.175	Amendment
144.200, 144.205, 144.225	Repeal
144.230	Amendment
144.250	Repeal
144.275, 144.300, 144.325	Amendment
144. Table C	Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13], and Public Aid 87-996

5) Effective Date of Amendments: July 1, 1994

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: July 1, 1994

8) Reason for Emergency: These emergency amendments to 89 Ill. Adm. Code 144 of the Department of Public Aid's rules are in compliance with Public Aid 87-996 requiring the transfer of supervision responsibility for programs and services in community care facilities for persons with developmental disabilities, to the Department of Mental Health and Developmental Disabilities (DMHDD), no later than June 30, 1994. Long term care facilities affected by these changes include, but are not limited to, Medicaid funded intermediate care facilities for the mentally retarded (ICF/MR). The Act further requires DMHDD to enter into cooperative arrangements with appropriate State agencies for the administration of all State programs for persons in such facilities. These amendments reflect agreements specifying that the Department of Public Health shall be responsible for the federally mandated Inspection of Care (IOC) surveys in affected facilities, and facility program reimbursement levels shall be determined by DMHDD in coordination with the Department of Public Aid which shall retain payment responsibility as the single State agency.

These emergency amendments represent the agreed upon changes to reach compliance with Public Aid 87-996. Immediate implementation of the amendments will ensure quality of care through the continuance of the IOC program in ICFs/MR, prevent economic harm to such facilities by

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

maintaining reimbursement schedules, and thereby protect the health, safety and welfare of facility residents.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department of Public Aid's rules concerning services for persons with developmental disabilities, are intended to implement requirements under Public Act 87-996. The Act requires the transfer of supervision responsibility for programs and services in community care facilities for persons with developmental disabilities, to the Department of Mental Health and Developmental Disabilities (DMHDD), no later than June 30, 1994. Long term care facilities affected by these changes include, but are not limited to, Medicaid funded intermediate care facilities for the mentally retarded (ICF/MR).

The Act further requires DMHDD to enter into cooperative arrangements with appropriate State agencies for the administration of all State programs for persons in such facilities. These amendments reflect agreements specifying that the Department of Public Health (DPH) shall be responsible for the federally mandated Inspection of Care (IOC) surveys in affected facilities, and facility program reimbursement levels shall be determined by DMHDD in coordination with the Department of Public Aid which shall retain payment responsibility as the single State agency. Language is being added to several Sections of 89 Ill. Adm. Code 144 to specify the new roles of DMHDD and DPH in ICF/MR services. Sections addressing IOC criteria which is duplicative of DPH survey standards, are being proposed for repeal, while Sections 144.125, 144.150 and 144.275 containing reimbursement criteria and methodology have few proposed changes.

It is anticipated that the implementation of these emergency amendments will not result in any changes in Department expenditures.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
144.5	Amendment	November 19, 1993, (17 Ill. Reg. 19841)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

Section	144.25	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.1	144.50	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.5	144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
EMERGENCY	144.100	Interdisciplinary Team (IDT) (Repealed)
144.25	144.105	Individual Program Plan (IPP) (Repealed)
EMERGENCY	144.125	Specialized Care - Behavior Development Programs
144.50	144.150	Specialized Care - Health and Sensory Disabilities
EMERGENCY	144.175	Functional Needs
144.75	144.200	Service Needs - Medical Care (Repealed)
EMERGENCY	144.205	Service Needs - Medical and Therapy Services (Repealed)
144.100	144.225	Individual Rights (Repealed)
EMERGENCY	144.230	Reconciliation of Resident Funds
144.105	144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
EMERGENCY	144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.25	144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
EMERGENCY	144.325	Capital Rate Calculation
144.50	144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
EMERGENCY	144.TABLE B	Staff Intensity Scale
144.75	144.TABLE C	IPP Outcomes (Repealed)
144.100	EMERGENCY	



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

144. TABLE D Guidelines for Determining Levels of Functioning  
 144. TABLE E Standardized Adaptive Functional Assessment

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII 3, 4, 5, 6, 7 and 5/12-13].

**SOURCE:** Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days.

**NOTE:** CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 144.5 Determination of Program (Active Treatment) Costs  
EMERGENCY

- a) The Department reimburses residential facilities for program costs associated with the delivery of active treatment to individuals with developmental disabilities, according to information obtained during each facility's most recent Inspection of Care (IOC) Review conducted by Department staff. Facilities affected by this Part Sections 144.5 through 144.250 and 144. TABLES A, B, and C are those certified as Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and licensed as:
- 1) intermediate care facilities for individuals with developmental disabilities (ICF/DD) (including specialized living centers (SLC));
  - 2) long term care facilities for residents under 22 years of age (hereinafter referred to as SNF/PED); skilled nursing and intermediate care facilities for individuals with developmental disabilities who are under age 22 (SNF/PED); and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.5(a) (continued)

- 3) intermediate care facilities for individuals with developmental disabilities of 16 beds or less (ICF/DD-16) (including small scale facilities with four or six beds).

b) IOC Review assessments of 100% of the Medicaid residents are conducted in these facilities by the Department of Public Health every twelve (12) months. These will be conducted in accordance with federal regulations at 42 CFR Section 456 Subpart I. Program rate determination is based upon IOC Review criteria and Specialized Care needs as described in Sections 144.125 and 144.150 according to Sections 144.25 through 144.250 in conjunction with the reimbursement methodology found at Section 144.275.

c) Reimbursable services under this Section do not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous active treatment program.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.25 Active Treatment Service Requirements in Residential  
EMERGENCY Facilities for Individuals with Developmental Disabilities  
 (Repealed)

- a) Facilities for individuals with developmental disabilities (ICF/MR) must provide a continuous active treatment program for each individual, as required by federal regulation (42 CFR 483.440, 1989). This program is directed toward:
- 1) the acquisition of behaviors and skills necessary to enable the individual to function with the greatest possible level of self determination and independence, physically, intellectually, socially, and vocationally; and
  - 2) the prevention or deceleration of regression or loss of current optimal functional status.
- b) The active treatment program for each individual is delivered through the implementation of an individualized program plan (IPP) consisting of interventions and services which are designed to meet the individual's needs with continuity across all of the environments in which the individual lives. The IPP is a comprehensive plan whose behavior and developmental skill interventions are consistently implemented throughout the day, regardless of the individual's whereabouts.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.25 (continued)

e) The IPP is developed by an interdisciplinary team (IDT) (42 CFR 483.440, 1989, and Section 144.275(b)(2)(B)), that represents the professions, disciplines or service areas that are relevant to identifying and prioritizing the individual's needs, and designing programs to address the identified needs.

- 1) Each individual's active treatment program must be integrated, coordinated, and monitored by a qualified mental retardation professional (QMRP) (42 CFR 483.430, 1989, and Section 144.275(b)(1)).
- 2) Each component of the individual's IPP, including developmental training conducted in the facility or off-site, must be coordinated with, correspond to and/or complement all other components.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.50  
EMERGENCY  
Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities (Repealed)

a) Medicaid facilities for individuals with developmental disabilities (ICF/MR) must address all needs of each individual through a continuous active treatment program. The interdisciplinary team (IDT) is a key component in a facility's ability to develop an appropriate program of active treatment for each individual in residence. The responsibility for the composition and quality of the IDT rests solely with the licensed provider. Further, a facility is fully responsible for ensuring the delivery to each individual of all criteria in Sections 144.75 through 144.250 which are deemed necessary by the IDT in the program of active treatment services for that individual.

b) The inspection of care review criteria found in Sections 144.75 through 144.250 are used to assess facility performance in meeting the variable needs of individuals with developmental disabilities through individualized programs of active treatment. The criteria identified in these sections constitute the essential elements of active treatment.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.75  
EMERGENCY  
Comprehensive Functional Assessments and Reassessments (Repealed)

a) Comprehensive Functional Assessments

The interdisciplinary team (IDT) will identify the individual's needs by performing an accurate assessment as needed to supplement the preliminary evaluation conducted prior to admission to a residential facility (ICF/MR).

1) No later than thirty (30) days after admission or after application for request of Medicaid payment, a comprehensive functional assessment is administered by the IDT or reports of a previous assessment are used if the assessment is current. The assessment must include:

- A) physical development and health;
- B) dental examination that includes an assessment of oral hygiene practices;
- C) nutritional status;
- D) sensorimotor development/auditory functioning;
- E) social development;
- F) speech and language development;
- G) adaptive behaviors or independent living skills necessary for the individual to be able to function in the community;
- H) vocational or educational skills (if applicable);
- I) cognitive development;
- J) medication and immunization history;
- K) psychological evaluation (within 5 years) that include an assessment of the individual's emotional and intellectual status;
- L) capabilities and preferences relative to recreation/leisure activities;
- M) other assessments indicated by the individual's needs, such as physical and occupational therapy assessments.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.75(a)(1) (continued)

- N) secure disorder history (if applicable) with information regarding frequency of occurrence and classification, and
- O) screenings (the facility performs or obtains) in the areas of nutrition, vision, auditory, and speech/language.

## 2) The assessment shall

- A) identify presenting problems, areas of need, and disabilities, and where possible, their causes. Comprehensive evaluations should be conducted concerning identified problems or areas of need.
- B) identify the overall level of functioning (mild, moderate, severe, profound) by use of standardized Department approved assessment instruments which evaluate intellectual functioning and adaptive behavior (Section 144.275(a)(1)(A)(i) and (ii)).

- C) identify the individual's specific developmental strengths per required area assessed.

- D) identify the individual's specific developmental and behavioral management needs per area assessed.

- E) identify the individual's need for services and environmental modification without regard to the actual availability of the services needed or practicality of changing the current environment per area assessed.

- F) identify the individual's need(s) (if any) for specialized services, including necessary adaptive equipment, specialized techniques and methodologies, monitoring systems, time frames and expected outcomes, and

- G) be conducted by a qualified professional who possesses the legal authorization to perform such assessments.

- 3) The IDT synthesizes the results of the assessment into an initial comprehensive evaluation of the developmental level and potential of the individual.

## b) Comprehensive Functional Assessments --- Reassessments

At least annually, the interdisciplinary team shall determine the need for reassessment of each individual. Identification must be

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.75(b) (continued)

made of the qualified professional(s) (42 CFR 483.430-1980) performing such assessments. Assessments are performed or obtained for the individual based on the determination of the interdisciplinary team, in the following areas:

- 1) physical examination and health assessment;
- 2) dental examination done at least annually;
- 3) other assessments needed and performed as determined by the IDT, such as sensory motor (PT, OT), neurological, cardiac, psychiatric, etc.;
- 4) adaptive behavior or independent living skills;
- 5) developmental (including sensorimotor function), educational or vocational evaluation;
- 6) other assessments needed and performed as determined by the IDT;
- 7) medication and immunization history, updated, and
- 8) identification of overall level of functioning (mild, moderate, severe/profound) by use of standardized Department approved assessment instruments which evaluate intellectual functioning and adaptive behavior (see Section 144.75(a)(2)(B)).

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.100 Interdisciplinary Team (IDT) (Repealed)  
EMERGENCY

The IDT for individuals with developmental disabilities includes representation from the professions, disciplines or service areas that are relevant to identifying the individual's needs as described by the comprehensive functional assessments, and to designing programs that meet the individual's need. The team identifies the developmental needs of the individual and collectively assigns priorities to the individual's needs to develop a single comprehensive individual program plan (IPP).

- a) The IPP shall be developed with the participation of an IDT comprised of professionals who represent the needs of the individual. The team must include a Qualified Mental Retardation Professional (QMPP), and



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.100(a) (continued)

- a-developmental-training-(DT)-program-representative-if-the individual-is-a-DT-participant.
- b) The individual participates on the team, unless the individual's inability or unwillingness to participate is documented.
  - c) The individual's parent, guardian or advocate participates unless the individual is an adult and decides that they not participate, or participation of the parent, guardian or advocate is unobtainable and efforts to solicit their participation are documented.
  - d) The individual team member collects data from assessments, interprets data, and clearly summarizes and reports findings to the IPT. Each professional team member writes recommendations regarding program and service goals appropriate to the individual (Section 144.105).
  - e) The team integrates data from the representative assessment data by prioritizing program goals.
  - f) The initial individual program plan is developed no later than 30 days after admission.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.105 Individual Program Plan (IPP) (Repealed)  
EMERGENCY

## a) Overview

Each individual must have an IPP which is composed of goals and objectives established by an IPT. The IPP is developed according to the individual's needs, as identified in the comprehensive functional assessment. This assessment must be reviewed for relevancy and updated as appropriate, at least annually, by the IPT. The IPP must be periodically reviewed and revised as appropriate.

- 1) The IPP addresses major needs of the individual.
- 2) The plan for each individual states specific goals per area assessed that are developed by the IPT. The individual's needs are prioritized, and programs are developed with specific goals to address the prioritized needs. If there is an identified need which is not being addressed through a specific program, a statement shall be made as to how the need will be addressed.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.105(a) (continued)

- 3) For each behavioral and service goal identified in the IPP, the IPT indicates the appropriate person or staff level responsible for implementing the program or providing the service.
- 4) The plan is a single comprehensive program designed to meet the needs of the individual across all of the environments in which he/she lives, through consistent program (behavioral and skill interventions) implementation.
- 5) Specific program objectives/goals are related to the data derived from the comprehensive functional assessments.
- 6) The goals are designed to assist the individual to function at the greatest physical, cognitive, social, and vocational level which he/she can presently or potentially achieve. The goals are also designed to prevent the regression or loss of current functional status in individuals where no further positive growth is demonstrable.
- 7) The goals address practical or functional skills that are likely to be needed currently. Developmental goals respond to real needs in an individual's life, such as hygiene and dressing, rather than on tasks which do not promote the developmental status of the individual.
- 8) Goals are not so difficult that they cannot be accomplished in a year's time or so simple that they are already in the individual's repertoire.
- 9) The IPP contains behavioral objectives to reach each of the identified goals in the plan. Each objective:
  - A) is developed by the IPT;
  - B) is based on the results obtained from the assessment process;
  - C) is stated in measurable terms and identifies specific performance measures to assess;
  - D) is developed with a projected completion or review date (month, day, year), and
  - E) is assigned a priority based on consideration of a developmental progression. For example, the need for training in personal care skills should precede vocational training.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.105(a) (continued)

## 1c) The IPP must:

- A) describe relevant interventions to support the individual toward independence;
- B) address maintenance and reinforcement of previously acquired skills during nonspecific training time;
- C) identify the location of written program strategies and techniques (including prompts and reinforcers), which must be accessible to any person responsible for implementation; and

D) emphasize training in personal skills essential for privacy and independence (toileting, personal hygiene, clothing, dental hygiene, self-feeding, bathing, grooming, and communication of basic needs), until it has been demonstrated that the individual is developmentally incapable of acquiring them.

## 1) Each training program designed to implement the objectives in the IPP must specify:

- A) the methods to be used;
- B) the schedule for use of the methods;
- C) the person(s) responsible for implementing the program; and
- D) the type of data and frequency of data collections necessary to determine the level or quality of performance and to assess progress toward desired objectives.

## b) IPP implementation

- 1) A single IPP is developed and implemented for each individual.
- 2) All services are provided in accordance with the IPP. Programs are integrated into the individual's daily life so that he/she receives a continuous active treatment program across all environments.

A) Program staff consistently utilize the developed techniques, methodologies, and strategies as identified on the IPP. These specialized techniques, methodologies, and strategies are carried out in the individual's residential

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.105(b)(2)(A) (continued)

setting (formally and informally), and day program.

B) Program interventions are delivered in a natural context during normal daily occurrences. Specific objectives are integrated into activities which occur naturally in the individual's environment.

C) If a discrete or isolated intervention occurs outside of the individual's usual setting, a plan to "generalize" the intervention into a more natural setting is documented.

## e) IPP Documentation

1) The staff collects relevant and accurate data as indicated in the IPP. The data are used to evaluate performance relative to established, measurable goals. Data collection provides the information needed to effectively determine the level and quality of performance (see subsection (a)(1)(D)).

2) Each program objective has established criteria relative to the individual's acquisition of skills for attaining greater independence. Documentation in measurable terms is made regarding the accomplishment or nonaccomplishment of the specified criteria.

3) The data type collected assesses the individual's progress toward desired objectives pertinent to the goals established by the IDT.

4) Significant events that are related to the individual's IPP, and assessments that contribute to an overall understanding of his/her ongoing level and quality of functioning, are documented.

5) Data collection and documentation of such data provide the necessary information to effect decision making regarding:

- A) the effectiveness of established programs; and
- B) the need to revise current programs.

## d) IPP Monitoring and Change

Implementation of the individual's IPP is supervised by the qualified mental retardation professional (QMRP) on an ongoing basis. The QMRP conducts reviews as necessary of the individual's progress toward each program objective. Such reviews are valuable in

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.105(d) (continued)

ascertaining levels of program appropriateness, as well as the individual's achievement. When necessary, the QMRP's review is followed by a narrative summary of the individual's progress, and any revisions to the IPP which may be indicated.

## 1) The QMRP reviews progress to determine if the individual

A) has successfully completed an objective(s) as identified in the IPP;

B) is regressing or losing skills previously gained;

C) is failing to progress toward identified objectives after reasonable efforts have been made relative to his/her developmental functioning and cognitive potential; and

D) has made sufficient progress toward an objective and is ready to begin training toward a new objective.

## 2) The QMRP determines the accuracy or most accurate reason for an individual's apparent lack of progress toward program objectives. Possible reasons include:

A) inadequate data collection which does not reflect actual progress made;

B) inconsistency of program implementation among program staff;

C) use of inappropriate/ineffective program prompts and reinforcers; and

D) inappropriate goals and objectives;

E) physical or medical problems which are developing; and

F) medication which is inaccurately administered or inappropriately prescribed.

## 3) The QMRP follows up the review of individual progress, by revising the IPP when necessary and appropriate through the development of new goals and objectives which reflect the individual's current needs.

## 4) The QMRP supervises staff in the delivery of programs, oversees data collection, and reviews performance.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.105 (continued)

## e) IPP Outcome

1) Analyzing the outcome of the current IPP provides a measure of how well the program of active treatment has moved the individual closer to his/her optimum physical, intellectual, social, and vocational functioning. An analysis of program outcome is based on the following points:

A) for each objective determine what progress the individual has made, or what level of skill enhancement he/she has achieved, toward greater independence;

B) if the individual is on a regression prevention program, determine if any observed or documented regression has occurred, and if so, the extent of the regression. Determine if any regression has occurred due to a documented medical or physical condition;

C) determine if the individual's newly-acquired skills contribute towards a more positive public image or normalization as evidenced by an improvement in self-image and personal appearance, and the development of skills and behaviors which lead to independence; and

D) determine if the individual's newly-acquired skills contribute towards his/her individual autonomy and empowerment, as evidenced by an increased level of self-responsibility and a transfer of power and control to the individual.

2) Section 140 TABLE C entitled "IPP Outcomes" sets forth examples of possible IPP outcomes when the program of active treatment has moved the individual closer to his/her optimum functioning through successful interventions.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## Section 144.125 Specialized Care - Behavior Development Programs

EMERGENCY

a) Adaptive behaviors are actions and responses which are productive and appropriate. Maladaptive behaviors are actions and responses which are nonproductive and/or inappropriate. Although maladaptive behaviors are generally described as nonproductive and inappropriate, in some cases, an individual's inappropriate behavior may be



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.125(a) (continued)

productive, given the social or environmental context of a particular activity. Behavior development refers to both the reduction in maladaptive behaviors and the increase in adaptive behaviors. A behavior program instituted because of maladaptive behaviors must also include the development of adaptive behaviors. Additional reimbursement is paid for an individual who needs and receives specialized care for a behavioral disability (Section 144.275(c)(1)), when the individual's behavior development program meets the criteria in this Section, subsection (e)(b)(1) of this Section.

b) A determination regarding an individual's behavior patterns is based upon direct and documented observations of his/her actions and responses. A behavior development program may be instituted following the assessment and recommendation of the IPT. The individual for whom the program is prepared must be assessed according to a standard, Department approved assessment instrument (Section 144.275(a)(1)(A)(i) and (ii)) and diagnosed according to the Staff Intensity Scale, Illinois Department of Public Aid, Office of Health Finance (1985), (Section 144 Table B). Behavior development programs are structured programs developed by or approved by a Psychologist QMRP. Staff involved in the delivery of the structured program must be trained in the delivery of behavioral programs. A behavior program is part of the individual's IPP, and therefore, must be reviewed by the IPT annually or more frequently as needed. A behavior development program must include the following:

- 1) specified maladaptive behavior(s) to be eliminated, if any;
- 2) specified adaptive behavior(s) to be developed;
- 3) specifications regarding all aspects of the program techniques;
- 4) a reinforcement plan, including schedule, frequency and type of reinforcement;
- 5) a data collection system that specifies the mechanisms for recording program delivery and includes the program's estimated intervention time (for delivery of reinforcers and staff/client interaction) in order to maintain quality control;
- 6) a planned orderly intervention procedure in the case of crisis intervention, which is designed to be the least restrictive given the target behavior and the individual's pattern of behavior. A crisis is an incident which requires physical intervention (and perhaps ultimately chemical intervention) to control behavior that jeopardizes the well being and safety of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.125(b) (6) (continued)

self or others, or is destructive of property;

7) when psychotropic medications are required with a behavior development program, the preceding steps outlined in subsections (b)(1)-(5) must be adhered to;

8) specified protective review date for the IPT to analyze progress and

9) if and when aversive techniques are used, they must be approved by the Behavior Management or Human Rights Committee (see subsection (e)) with safeguards to protect individuals' rights and safety.

e) An individual's IPP shall include behavioral techniques and methodologies which provide reinforcement for previously acquired adaptive skills.

d) The facility must develop and implement written policies and procedures that govern the management of inappropriate behavior of individuals. Aversive techniques which are employed to modify an individual's inappropriate behavior must be an integral part of the IPP, and must be designed to lead to less restrictive means of managing and eliminating the inappropriate behavior. Incidents which require crisis intervention constitute exceptions to this last statement (see subsection (a)(2)). Facilities must comply with Medicaid Regulations when employing aversive techniques (42-CFR 483.450, 1980).

1) Time-out Rooms

The use of a time-out room, from which egress is prevented, is permitted only when the following conditions are met:

- A) the individual is under the continuous visual supervision of designated staff;
- B) the door to the time-out room is held shut by continuous staff engagement;
- C) placement in a time-out room may not exceed one hour;
- D) an individual in a time-out room must be protected from hazardous conditions; and
- E) a record of time-out activities is kept.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.125(d) (continued)

- 2) Physical Restraints
- A) Physical restraints may be used as an integral part of an individual's IPP, or as an emergency measure, but only if absolutely necessary.
- i) to protect the client and/or others from injury, and
- ii) as a health-related protection if prescribed by a physician.
- B) The following guidelines must be adhered to with respect to the usage of physical restraints.
- i) authorization to use or extend the use of restraints in an emergency must be in effect for no longer than 12 consecutive hours, and such authorization (physician order) must be obtained as soon as the client is stable.
- ii) the facility may not issue orders for restraints on a standing, or as needed, basis.
- iii) an individual placed in restraints must be checked by staff at least every 30 minutes. Further, the individual must be released from the restraints as soon as possible (the individual no longer poses a threat to self or others).
- iv) the individual in restraints must be afforded the opportunity for motion and exercise for a period of not less than 10 minutes during each two-hour period of restraint usage.
- v) barred enclosures, if used as a restraint device, must not exceed three feet in height, and must remain open on top, and
- vi) a record of all activities relating to the use of physical restraints, including the individual's response to such usage, must be kept.

AGENCY NOTE: Facilities must comply with applicable regulations regarding restraint and seclusion as defined in Sections 1-125, 1-126, 2-108 and 2-109 of the Mental Health and Developmental Disabilities Code (4110 Rev. Stat., 1991, ch. 91-142, pars.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.125(d)(2) (continued)

- 1-126, 1-126, 2-108 and 2-109, (405 ILCS 5/1-125, 1-126, 2-108 and 2-109).
- 3) Drug Usage (Chemical Restraints)
- A) When drug usage is a required component of a behavior program, steps 1-5 under subsection (b) Specialized Care-Behavior Development Programs, must be adhered to.
- B) Drugs as prescribed by a physician, can be used to control inappropriate behavior, if:
- i) approved by the IDT as an integral part of the individual's IPP that is directed toward the reduction/elimination of the behavior for which the drugs are employed;
- ii) the drug dosage does not interfere with the individual's daily living activities;
- iii) there is documentation to justify that the harmful effects of the inappropriate behavior clearly outweigh the potentially harmful effects of the drugs;
- iv) the individual receiving the drug(s) is closely monitored for desired responses and adverse effects by facility staff, and in conjunction with the prescribing physician and the drug regimen review requirement at 42 CFR 483.460(j), 1989, and
- v) a carefully monitored program of gradual withdrawal is imposed at least annually for each drug prescribed, in conjunction with the IDT, unless such withdrawal is contraindicated by clinical evidence.
- e) Behavior Development Program Levels
- 1) Behavior development programs under Specialized Care are related to maladaptive behaviors which occur with high frequency and/or great severity. A behavior development program, including the use of psychotropics, which is developed for Specialized Care, must meet all federal and State requirements including, but not limited to, development by the IDT, review and approval by a Behavior Management Committee (or Human Rights Committee) as required by 42 CFR 483.440(f)(3), 1989 and approval by the individual or guardian, if the individual is not capable of

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.125(b)(1) (continued)

## Section 144.125(b)(3)(B) (continued)

providing informed consent. The behavior development program developed by the IDT must demonstrate the need for a use of a more intensive staffing pattern (direct care staff) than that pattern which is reimbursed for under Section 144.275(a)(1). Additional staff time provided under Specialized Care is a response to a necessary increase in staff intensity identified in the behavior development plan when other attempted interventions have failed, such as environmental changes or changes in the pattern of activities throughout the day. Specialized Care is not provided based solely on the frequency or severity of the individual's maladaptive behavior.

2) Behavior development program services under Specialized Care do not preclude the individual's participation in regular training services, activities and therapies as part of a comprehensive active treatment program.

3) The IDT provides highly specific guidelines for the individual's behavior development program relative to treatment methodology, services needed, and staff needed to deliver interventions. All behavior development programs must adhere to the program steps in this Section, subparagraph b).

A) Level I - Behavior development program services are delivered by staff specifically trained in the delivery of the prescribed interventions. Behaviors occur with high frequency but moderate severity, i.e., verbal abuse one or more times per 4 hours which is hostile in tone or content including threats or screaming, or pica occurring once per 4 hours in volumes small enough to be non-life threatening. Examples of staffing pattern changes: The staffing pattern for persons with mild mental retardation increases from the regular pattern of 1:6.8 to 1:4.8, and for persons with severe-profound mental retardation from 1:4.8 to 1:3.7.

B) Level II - Behavior development programs are delivered by staff trained in the delivery of each individual's intervention plan. Individuals receive personalized intervention, such as individual counseling or some one-to-one intervention. Behaviors occur with high frequency, and are aggressive or destructive, such as purposeful attacks of others resulting in minimal injuries one or more times per day. Examples of staffing pattern changes: The staffing pattern for persons with mild mental retardation increases from the regular pattern of 1:6.8 to

1:3.7, and for persons with severe-profound mental retardation from 1:4.8 to 1:3.

C) Level III - Behavior development programs are delivered by staff who are specifically trained to deliver the interventions. Generally, staff may be assigned to accompany the individual throughout the shift. One-to-one intervention is common. Behaviors occur with very high frequency, such as hyperactivity one or more times per minute, or occur with high frequency and are aggressive, assaultive or destructive, such as pica (daily consumption of life threatening materials), or daily physical assault resulting in injuries requiring medical attention. Examples of staffing pattern changes: The staffing pattern for persons with mild mental retardation increases from the regular pattern of 1:6.8 to 1:2.5, and for persons with severe-profound mental retardation from 1:4.8 to 1:2.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

# Section 144.150 Specialized Care - Health and Sensory Disabilities EMERGENCY

These specialized services refer to three categories (Levels) of care which some individuals must receive, fully or in part, in order to attain physical health and development. The delivery of specialized care in accordance with an individual's need(s), as determined by the IDT's assessment, enables him/her to participate in his/her IPP and be supported toward greater independence. Additional reimbursement is paid for an individual who needs and receives services for health and/or sensory disabilities (Section 144.275(c)(2)), when those services meet the criteria under subsections (e), (e<sub>1</sub>) and/or (e<sub>2</sub>) of this Section.

## a) Overview

- 1) The individual program plan must describe relevant interventions to support the individual toward independence, as assessed and determined by the IDT.
- 2) Equipment which is needed by an individual, such as mechanical supports, appliances, and assistive sensory devices must be provided or obtained by the facility.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.150(a) (continued)

- 3) Equipment, devices and supports shall be used as needed to achieve proper body position, balance and alignment.
- 4) The individual program plan must specify the reason for each support, the situations in which it is to be used, and a schedule for use.
- 5) Individuals who are nonambulatory shall spend a major portion of each day out of bed and outside the bedroom area, moving about by various methods and devices whenever possible.
- 6) Training in personal skills must occur until it has been demonstrated that the individual is not developmentally capable of acquiring these skills.
- 7) The facility shall provide training to individuals to attend to their own health needs consistent with the needs and abilities of the individuals.

AGENCY NOTE:--An individual who meets the criteria of more than one level in this Section will be assigned according to the disability of the individual which represents the greatest need for specialized care.

## b) Ambulations

- 1) Ambulatory -- The individual is capable of walking without assistance or the aid of adaptive equipment or devices.
- 2) Mobile nonambulatory -- The individual is capable of locomotion with mobility assistance such as adaptive equipment or devices.
- 3) Nonmobile -- The individual is not capable of locomotion even with mobility assistance.

## e) Specialized Care, Level I

The individual is ambulatory, mobile nonambulatory, or has the potential to become mobile nonambulatory, and requires services to compensate for a sensory deficit (auditory and/or visual), or services enabling him/her to be mobile, or limited services to meet medical needs.

- 1) Sensory Deficits
- A) Visual Disabilities

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.150(b)(1)(A) (continued)

The individual requires and receives specialized services due to a visual disability as defined in Section 144.275(c)(2)(B)(i). Aids and appliances for individuals having such disabilities are limited to the following items with which facility staff can assist the individual.

- i) cane or dog used in mobility training or a sighted guide.
- ii) visual aids.

## B) Auditory Disabilities

The individual requires and receives specialized care due to an auditory disability as defined in Section 144.275(c)(2)(B)(ii). Aids and appliances for individuals having such disabilities are limited to the following items with which facility staff can assist the individual:

- i) Aided augmentative communication system. Aided modes of communication may include the use of an eye gaze communication board, or an electronic communication device that has speech output or a print tape;
- ii) Assistive listening device (hearing aid); or
- iii) A hearing dog.

AGENCY NOTE: An individual's treatment might need to include being desensitized to tolerate the use of a hearing aid or assistive listening device to prevent the device from being rejected or destroyed.

## 2) Physical Disabilities

The individual requires and receives specialized care and training related to a physical disability which prevents or limits mobility. The individual becomes mobile when employing certain adaptive equipment. Aids, appliances and other adaptive equipment which promote mobility for individuals with physical disabilities are limited to the following devices which individuals can be taught to apply, or can be applied with assistance from facility staff:

- A) Arm brace;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.150(b)(2) (continued)

- B) Back brace, body jacket;
- C) Leg brace;
- D) Prosthesis;
- E) Splints;
- F) Adaptive wheelchair;
- G) Walker.

AGENCY NOTE: A physical disability is defined as a physical impairment which results in a functional deficit, such as spasticity, poor muscle tone, paralysis, and absence of limbs. Eligibility under Physical Disabilities requires that the individual needs training in the use of a device or devices in order to achieve some level of independent mobility. An individual who is already independent in mobility and requires adaptive equipment does not qualify. This includes some individuals who are in training programs for deficits in gross or fine motor functioning, and some individuals who are not in such training programs.

## a)d) Specialized Care, Level II

The individual is nonmobile, or mobile nonambulatory, requires mobility assistance, and requires services to meet high personal care needs. The individual may also have significant daily medical needs, and/or dual sensory deficits (visual and auditory).

- 1) High Personal Care/Mobility Need (nonmobile)

The individual requires and receives partial or total assistance in bathing, clothing, grooming and hygiene, eating and toileting/continence. The individual requires and receives mobility assistance, due to a functional deficit (as determined by physical or psychological causes), to transfer from a bed to an alternative positioning device. He/she also requires and receives assistance with movement/mobility around the facility. The individual may require position changes at two hour intervals, or as specified in the individual program plan, and/or range of motion twice a day or as specified in the individual program plan.

- 2) Medical Need

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.150(c)(2) (continued)

- A) The individual requires and receives insulin injections daily or more frequently for the management of diabetes which is not stabilized. Daily monitoring by licensed personnel is required to assess the individual's status, side effects, laboratory work, and to report to the physician as necessary. The requirement for monitoring pertains also to insulin which is administered on a sliding scale basis. This monitoring results in adjustments in dosage and/or type of insulin, as indicated by the individual's status.

- B) The individual needs and receives ostomy care for a jejunostomy, an ileostomy, or a colostomy.

## 3) Dual Sensory Deficits

The individual requires and receives services as required, due to both an auditory disability and a visual disability.

AGENCY NOTE: Level II services require that an individual meets the criteria in subsection (a)(1) above. The individual who also meets the criteria in subsection (a)(2) above is eligible for a higher nursing ratio according to Section 144.275(a)(2)(B).

## e)d) Specialized Care, Level III

The individual is typically nonmobile or mobile nonambulatory, but may be ambulatory, and requires services to meet high medical needs. High medical needs means one or more of the following:

- 1) The individual requires and receives intermittent catheterization more than twice a day.
  - A) Daily recording of intake and output is required.
  - B) Infection control measures must be carried out as indicated in the facility's catheterization protocol.
- 2) The individual requires and receives respiratory care which can include tracheostomy care, positive pressure breathing treatments, aerosol therapy, postural drainage with percussion, vibration and/or suctioning.
  - A) The respiratory status of the individual receiving respiratory care must be frequently assessed as required by the IPP.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.150(d)(2) (continued)

- B) Infection control measures must be carried out as indicated in the facility's respiratory procedure protocol.
- 3) The individual requires and receives feeding via a nasogastric or gastrostomy tube, or, the individual has poor sucking and/or swallowing reflexes and requires and receives prolonged oral feeding of two or more hours daily.
- 4) The individual requires and receives wound care, having been admitted to the facility with a stage III or IV decubitus ulcer, or has deep wounds, infected wounds, extensive burns or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations.
- A) Decubitus ulcer management includes turning, positioning, nutritional support, range of motion exercises, supportive devices and infection control.
- B) The facility protocol for decubitus ulcer prevention must be adhered to.

- 5) The individual requires and receives intensive physical habilitation due to a functional deficit (as determined by physical or psychological causes).

- A) Intensive physical habilitation occurs throughout the individual's working hours to promote skill acquisition, or
- B) The individual requires and receives intensive contracture prevention via "hands on" assistance.
- C) When staff is meeting functional and service needs of an individual, that time should be used for priority objective/goal attainment. For example, when the individual has been repositioned, staff stimulation should occur, or the individual is ambulated with assistance to the bathroom or the dining room rather than taken in a wheelchair.

AGENCY NOTE: Range of motion to all extremities as indicated in the IPP should be incorporated into the individual's daily routine/programs (dressing, bathing, feeding, etc.).

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.175 Functional Needs  
EMERGENCY

Functional needs are the basic needs of all persons. All functional needs of each individual residing in an ICF/MR must be addressed. The individual's IPP must provide a current assessment of his/her developmental level in each area of functional need. On the basis of the assessment outcome, the IDT determines if each area of an individual's functional needs can be addressed independently by the person, or is to be addressed as a service need or through a training program. The IPP specifies the individual's level of dependence/independence, types of assistance needed, and developmental skill interventions (programs) designed to increase functional independence. The IPP shall address skill maintenance if the individual demonstrates any skill regression or loss of functional status. The individual's preferences shall also be acknowledged (i.e., tub or shower bathing). Additional reimbursement is paid for an individual who needs and receives partial or total assistance in meeting functional needs (Section 144.275(c)(2)). This reimbursement is provided only when an individual meets the criteria for mobility assistance and/or high personal care under Specialized Care-Health and Sensory Disabilities (Section 144.150(eb) and (dc)). The functional needs of all individuals are:

a) Bathing

Bathing means bathing all, or some part of the body, including the hair, whether the bath occurs in a tub, shower, or bed.

b) Clothing

Clothing means total dressing and undressing, including stockings or socks and shoes.

c) Eating

Eating means to consume or assimilate food or nutrients to fulfill nutritional needs. Eating includes both oral and tube feedings.

d) Grooming/Personal Hygiene

Grooming/personal hygiene means bodily maintenance including combing hair, cleaning and clipping nails, shaving if applicable, tooth brushing and oral hygiene including denture care, daily deodorant use, hygiene associated with menstruation, makeup application when desirable and appropriate, hands and face washing.

e) Toileting/Continence

Toileting means the appropriate use of a toilet, including related



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.175(e) (continued)

undressing/dressing activities, and necessary follow-up hygiene.

## f) Mobility

Mobility means the power of locomotion and includes transfers/movements which are accomplished by independent ambulation and via the employment of assistive devices such as walkers, wheelchairs, braces, and prostheses.

## g) Psychosocial Mental Status

Psychosocial mental status means the achievement of a sense of well-being and emotional balance in one's relationship with self, other persons, and one's daily environment.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.200 Service Needs - Medical Care (Repealed)  
EMERGENCY

## a) Physician Services-(42-CFR-483.460-(a)-and-(b))-1989)-

1) Physician services must be available in a facility on a 24-hour a-day basis.

2) If a physician determines that an individual requires 24-hour licensed nursing care, the physician must develop a medical care plan of treatment in coordination with licensed nursing staff.

3) The facility must provide/obtain preventive and general medical care, as well as annual physical examinations of each individual. This annual examination must include at a minimum a vision evaluation, a hearing evaluation (if an annual hearing screen has not been conducted by a speech-language pathologist or audiologist), immunizations as needed, routine laboratory examinations (screenings) as deemed necessary by the physician, and tuberculosis control which is appropriate to the facility's population.

4) As permitted by state law (68 Ill. Adm. Code 1350), the facility may employ physician assistants to provide physician services under this Section.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.200(a) (continued)

b) A physician must participate in the IPP development of each newly-admitted individual, and the physician must participate in the IPP review and update if appropriate.

b) Nursing Services-(42-CFR-483.460(e)-and-(d))-1989)-

The facility must provide individuals with licensed nursing services according to their needs. These services must include:

1) Participation in IPP development as part of the IDT process.

2) Participation in medical care plan development, along with the physician, when it is determined by the physician that an individual requires such a plan.

3) A health status review for individuals who are certified as not requiring a medical care plan, which is performed at least quarterly and results in any necessary action to address health problems.

4) Provision of nursing care as prescribed by the physician.

5) Promotion of protective and preventive health measures, and the control of communicable diseases and infections through training and instruction to individual residents and facility personnel.

e) Dental Services-(42-CFR-483.460(e)-(f)-(g)-and-(h))-1989)-

The facility must ensure the availability of comprehensive dental diagnosis and treatment services for each individual. These services must be provided by qualified personnel, including licensed dentists and dental hygienists.

1) Comprehensive dental diagnostic services include a complete extraoral and intraoral examination within one month of an individual's admission to a facility, and periodic examination and diagnosis to be performed at least annually.

2) Comprehensive dental treatment services include the availability of emergency dental treatment on a 24-hour a-day basis and dental care required for the relief of pain and general maintenance of dental health.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.205 Service Needs - Medical and Therapy Services (Repealed)  
EMERGENCY

a) Medical-and-therapy-services-refer-to-care-which-an-individual-must receive-in-order-to-attain-his/her-greatest-level-of physical/mental-health-and-development--This-care-must-be provided-in-accordance-with-each-individual's-IPP--The-person-or staff-level-responsible-for-implementation-of-medical-and-therapy services-is-specified-in-the-individual's-IPP-(Section 144.105(a)(3)).--Additional-reimbursement-is-paid-for-an-individual who-needs-and-receives-some-medical-and-therapy-services-(Section 144.275(e)(3))--when-the-individual's-need-for-such-services-is documented-in-the-IPP--This-reimbursement-is-provided-only-when-an individual-meets-the-criteria-for-services-under-Specialized Care-Health-and-Sensory-Disabilities-(Section-144.150(b)),-(d)-(e)-and (f))

b) Medical-and-therapy-services-which-an-individual-may-require-and receive-are:

## 1) Appliances

Appliances-are-devices-applied-to-a-part-of-the-body-for performing-or-for-facilitating-the-performance-of-a-particular function--Appliances-are-indicated-per-physician-or-dentist order--Facility-staff-will-assist-the-individual-with application-and/or-maintenance-of-an-appliance-when-appropriate.

## A) Simple Appliances

- i) hearing-device-(one-or-two)
- ii) elastic-joint-support
- iii) ted-or-jobst-hose-(one-or-two)
- iv) neck-bracer
- v) truss
- vi) prescribed-elastic-bandage
- vii) cervical-collar
- viii) arm-bracer
- ix) head-bracer

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.205(b)(1)(A) (continued)

- x) sling
- xi) artificial-eye
- xii) protective-helmet
- xiii) eye-glasses
- xiv) dentures
- xv) augmentative-communication-system
- xvi) wheelchair-cuff-and-

---xvii) Activities-of-Daily-Living-(ADL)-adaptive-equipment

## B) Complex Appliances

- i) back-bracer
- ii) body-jacket
- iii) artificial-limb
- iv) individual-customized-wheelchair
- v) ankle-foot-orthosis
- vi) knee-ankle-foot-orthosis
- vii) hip-knee-ankle-foot-orthosis
- viii) miscellaneous-lower-extremity-orthosis-and-adaptive-splints
- ix) adaptive-splints

## 2) Catheterization

The-individual-requires-and-receives-catheterization-services-as-per-physician-order--Catheterization-includes-daily intermittent-catheterization-and-the-care-and-infection-of indwelling-catheters--Texas-catheters-and-suprapubic catheters-as-per-physician-order

## 3) Decubitus Treatment and Prevention

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.205(b)(3) (continued)

- A) The individual requires and receives treatment for a duodenal ulcer, Stage I, II, III or IV, as per physician order.
- B) The individual has been assessed to determine his/her risk level for developing duodenal ulcers. A comprehensive preventative program is implemented when appropriate as specified in the IPP, which may include (but is not limited to) such measures as special mattresses and/or cushions to reduce pressure, a positioning schedule, a range of motion program, nutritional support, and a skin care program (i.e., daily skin observation, whirlpool, etc.).

## 4) Injections

The individual requires and receives an injection, or injections, as per physician order.

## 5) Intravenous Therapy and Glysis

The individual requires and receives intravenous therapy, or glysis, as per physician order.

## 6) Laboratory Services

The individual requires laboratory services, as per physician order, and facility staff (or outside laboratory staff) have collected the indicated specimen(s). Laboratory specimens include blood specimens, urine specimens (routine urine collection, midstream, "clean catch" or by catheter), sputum specimens, stool specimens, throat or lesion swabs, and urine specimens for sugar and acetone. Telephone pacemaker checks and electrocardiograms are also included under Laboratory Services.

## 7) Medications/Medication Monitoring

- A) The individual requires and receives medication(s) as per physician order, which can be administered by multiple routes and requires routine monitoring by licensed personnel and habilitation staff under licensed personnel supervision to check for untoward reactions or side effects. Routine monitoring includes vital signs, urine testing for sugar and acetone, and general observation of the individual's status. Routine monitoring usually results in few or no changes in medication type or dosage of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.205(b)(7)(A) (continued)

- medication, or amount of assessment/monitoring needed.
- B) The individual requires and receives medication(s) as per physician order which can be administered by multiple routes and requires special monitoring by licensed staff to check for untoward reactions or side effects. Such monitoring of side effects changes in the individual's status, lab work or apparent drug interactions can result in changes of dosage of medication type or in a continuing assessment of an unstable condition.

- C) The individual requires and receives a psychotropic medication (chemical restraint) for the reduction/elimination of inappropriate behavior as per physician order and approval by the IDT. A program of medication reduction and withdrawal is established by the individual's physician in conjunction with the IDT and is incorporated into the IPP as described in Section 144.135(d)(3) Drug Usage (Chemical Restraints).

## 8) Occupational Therapy

Occupational therapy services are developed specifically for the individual to improve and/or maintain his/her functional ability in conjunction with the IDT assessment. Physician concurrence required. These services are designed to improve the individual's independent function and prevent, as far as possible, irreducible or progressive disabilities. An individualized plan of occupational therapy or an occupational habilitation program must include measurable goals and periodic documentation of progress toward those goals.

## 9) Ostomy Care

- The individual requires and receives ostomy care as per physician order. Included in this service category are gastrostomy, ileostomy, jejunostomy, and colostomy.
- A) Uncomplicated ostomy care is routine care and maintenance of the ostomy (i.e., cleansing and appliance change).
- B) Complex ostomy care is special care that given the individual's overall condition, must be provided by licensed personnel. Complex ostomy care is required for postoperative ostomies. Percutaneous Endoscopic Gastrostomy (PEG) tubes and ostomies which have become excreted or



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.205(b)(9)(B) (continued)

## require application of a prescription medication.

## 10) Passive Range of Motion (PROM) Exercises

The individual requires and receives PROM exercises, as determined by the IDT, to at least one extremity on a daily basis.

## 11) Physical Therapy

Physical therapy services are developed specifically for the individual to improve and/or maintain his/her functional ability in conjunction with the IDT assessment (physician concurrence required). These services are designed to improve the individual's independent function, and prevent insofar as possible, irreducible or progressive disabilities. An individualized plan of physical therapy or a physical habilitation program, must include measurable goals and periodic documentation of progress toward those goals.

## 12) Positioning

The individual is physically dependent, and requires and receives frequent repositioning, as specified by the IDT, for the maintenance of proper body alignment, the functional positioning of the limbs, and to reduce the likelihood of contracture and/or deformity. A specific plan for positioning should be reflected in the individual's IPB, and such positioning should be addressed at the specified intervals regardless of the individual's whereabouts or means of physical support (i.e., bed, specially adapted wheelchair, etc.).

## 13) Respiratory Therapy

The individual requires and receives respiratory therapy services, as per physician order. Respiratory therapy services include oxygen, positive pressure breathing therapy, humidity therapy, or aerosol therapy. Respiratory therapy services may be provided on an intermittent or continuous basis.

## 14) Skin Care

The individual requires and receives skin care as indicated in his/her IPP. Skin care services include the application of nonmedicated lotions and ointments used to treat minor skin irritation, simple dermatitis or dry skin.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.205(b) (continued)

## 15) Speech Language Pathology/Audiology (SLP/A) Services

The individual requires SLP/A services as indicated by screening tests and complete audiological and/or speech language diagnostic evaluation(s). The individual receives SLP/A services according to an individualized plan which includes measurable goals. These services are designed to improve the individual's functional means of communication and abilities for independence and prevent insofar as possible, irreducible or progressive disabilities.

## 16) Suctioning/Bronchio-Hygiene

The individual requires and receives suctioning or bronchio hygiene services as per physician order. Suctioning services include the aspiration of secretions from the oral/nasal passages by bulb-syringe, mechanical suctioning of oral/nasal or tracheal secretions by licensed staff, and the application of postural drainage, percussion and vibration (bronchio-hygiene).

## 17) Tracheostomy Care

The individual requires and receives care of the tracheostomy site, as per physician order. Tracheostomy care must be performed by licensed staff.

## A) Simple tracheostomy care means routine cleansing and nonsterile dressing change.

## B) Complex tracheostomy care means sterile and/or complicated dressing changes, suctioning or changing of the tracheostomy tube, and monitoring of an unstable respiratory status.

## 18) Wound Care

The individual requires and receives wound care, as per physician order. Wound care includes dressings and/or skin treatments for noninfected areas and complex dressings (i.e., sterile or post-op) and/or treatment to infected areas/lesions.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.225 Individual Rights (Repealed)  
EMERGENCY

a) A facility must safeguard the rights of individuals and promote the exercise of rights by the individuals who reside therein. The facility must:

- 1) Inform each individual, parent (if the individual is a minor), or legal guardian of the individual's rights and the facility rules.
- 2) Inform each individual, parent (if the individual is a minor), or legal guardian of the individual's medical condition, developmental and behavioral status, any risks associated with planned treatments and of the right to refuse treatment.
- 3) Inform each individual, parent (if the individual is a minor), or legal guardian of the individual's right to exercise freedom of choice in selecting a physician.
- 4) Allow and encourage individuals to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaint, and the right to due process.
- 5) Allow individuals to manage their financial affairs, and teach them to do so to the extent of their capabilities.
- 6) Encourage respect for each individual's uniqueness and autonomy. Such respect results in tolerance for the individual's personal differences and characteristics.
- 7) Provide the opportunity for individuals to exercise freedom of choice and personal decision-making in their daily lives, such as choices regarding roommates, leisure activities, and clothing.
- 8) Make every attempt, in the case of an individual who is not competent to independently make his/her own decisions, to make a referral for the individual to the State Guardianship and Advocacy Commission.
- 9) Provide individuals with the opportunity for privacy during any treatments and for the care of personal needs such as bathing, dressing, and toileting.
- 10) Ensure the freedom of individuals from physical, verbal, sexual or psychological abuse or punishment, and from unnecessary drugs and physical restraints.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.225(a) (continued)

- 11) Ensure that individuals have access to, and privacy regarding associates of their choice, sending and receiving unopened mail, and incoming and outgoing telephone calls.
  - 12) Permit individuals to retain and make use of personal property, including clothing and other possessions.
  - 13) Provide individuals with varied opportunities to participate in social, religious and community group activities.
  - 14) Provide individuals with storage space for personal property, and take steps to ensure that such property is not stolen, lost, or mingled with the possessions of other individuals residing in the facility.
  - 15) Ensure that individuals are not compelled to perform services for the facility, and ensure that individuals who do work in the facility are compensated for their efforts at prevailing wages and commensurate with their abilities.
  - 16) Permit a husband and wife who both reside in the facility to share a room.
- b) In the event that restrictions must be placed on an individual's rights, the IDT must:
- 1) Inform the individual and/or the parent, guardian or advocate of the individual's right to appeal the restrictions (and any steps or information used to impose the restrictions) and the process used for making such an appeal.
  - 2) Specify plans in the IDP which are in place to enable the individual to gain access to the restricted rights.
  - 3) Document the review and approval of the restrictions by the facility's Human Rights Committee (see Section 144.125(e)(1)), and-
  - 4) Document the individual's progress toward access to the restricted rights.

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 144.230 Reconciliation of Resident Funds  
EMERGENCY

Residents of ICFs/MR shall be allowed to manage their own financial affairs and shall be taught to do so to the extent of their capabilities. If a resident is determined incapable of managing his or her own finances the facility may be authorized to do so.

## a) Authorization

1) An ICF/MR shall manage a resident's personal funds only upon written authorization from, in order of priority:

- A) the resident;
- B) the resident's guardian or if the resident is a minor, the resident's parent;
- C) the resident's representative;
- D) the resident's immediate family member.

2) Such authorization shall be validated by a witness who has no pecuniary interest in the facility or its operations and who is not connected in any way to facility personnel or the administrator in any manner.

b) Record Keeping. If the facility is authorized to manage a resident's funds, it shall:

- 1) Establish a separate written record of each resident's account indicating all financial arrangements and transactions involving the resident's funds and provide a copy of such record to the resident or authorized representative upon request;
- 2) Provide a written itemized statement of all transactions involving the resident's funds at least quarterly to each resident or authorized representative included in the account;
- 3) Retain all records of personal allowance funds for three years for residents currently residing in the facility and for residents who have died or been discharged from the facility;
- 4) Notify the local Public Aid office of any lump sum (non routine) payment received by the resident or any change in the resident's circumstances within five working days and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.230(b) (continued)

5) Notify each resident who receives Medicaid benefits or authorized representative when the amount in the resident's account reaches \$200.00 less than the SSI resource limit for one person. The facility must notify the resident or authorized representative that the amount in the account, in addition to the value of the resident's other nonexempt resources, exceeds the one person SSI resource limit of \$2,000.00.

## e) Maintenance of Funds

1) A facility duly authorized to manage a resident's funds must keep such funds in an account or accounts which are separate from any facility funds or the funds of any person other than another resident. In addition, the facility:

A) Shall establish and maintain a system that assures a full, complete and separate accounting of each resident's account balance. For resident funds that are commingled with the funds of other residents, all interest accrued on the resident's funds shall be pro-rated and properly credited to each resident's account balance. The system shall contain documents identifying all transactions made by the facility on behalf of the resident. All deposits and withdrawals are to be shown by date and amount. Identifiable receipts for all purchases must be retained.

B) Is not to expend or allow use of resident funds for any person other than the resident. The facility will explain to the resident or authorized representative that personal funds should not be spent for the purchase of or as a contribution toward the purchase of items/equipment that the facility is required to provide for the resident.

C) Shall deposit any funds received from a resident in excess of \$100.00 in an interest-bearing account insured by agencies of or corporations chartered by the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident.

D) May keep up to \$100.00 of a resident's funds in a non-interest-bearing account or a petty cash fund to be readily accessible for the resident's current expenditures.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.230(c)(1) (continued)

E) Shall return to the resident, or the person who executed the agreement referenced in subsection (a)(1) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits, by close of the first business day following the date of receipt of the request.

F) Shall purchase a surety bond to guarantee the security of residents' funds or shall purchase insurance in an amount and form sufficient to guarantee that all residents' funds are secure from loss, theft and insolvency.

G) Shall take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. When funds withdrawn from a resident's personal account by any person other than the resident include a portion of the resident's personal needs allowance, the facility shall require the person initiating the withdrawal to sign an affidavit attesting that the funds withdrawn are to be used exclusively for the benefit of the resident.

3) If the facility is sold, the seller shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner.

## d) Reconciliation of Resident Funds

1)a) Upon the death of a resident who has monies which are managed by the facility, the facility is to:

A) convey the resident's funds and a final accounting of those funds to the individual administering the deceased's estate within five business days following the resident's death; and

B) notify the local Public Aid office of the amount of all monies which belonged to the deceased.

2)b) Upon discharge of a resident who has monies which are managed by the facility, the facility is to:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.230(b) (continued)

A) refund any monies belonging to the resident and provide a final accounting of those monies (including all interest earned), to the resident or authorized representative within five business days following the resident's discharge; and

B) notify the local Public Aid office of the amount of all monies, including all interest earned, which belong to the resident.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## Section 144.250 Discharge Planning/Maximum Growth Potential Plan (Repealed) EMERGENCY

a) Standards set forth in Medicaid Regulations (42 CFR 435.1009, 19801993) require that the need for services of a facility (ICF/MR) for a person with developmental disabilities must be established through an assessment which demonstrates that the individual

1) Requires the 24-hour-a-day supervision which such a facility provides; and

2) Has substantial functional limitation in three or more of the following areas of major life activity, as defined in 89 Ill. Adm. Code 140.642(g) and 140.642(h).

A) self-care;

B) understanding and use of language;

C) learning;

D) mobility;

E) self-direction; and

F) capacity for independent living.

b) According to Medicaid Regulations (42 CFR 483.440-(a) and (b), 19801993), an individual who resides in a facility (ICF/MR) must be in need of and receiving active treatment services.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.250 (continued)

- e) An individual who resides in a facility (ICF/MR) and does not meet the foregoing residence requirements must be discharged to a non-Medicaid facility or other living arrangement. If the facility has attempted to secure an appropriate living arrangement as determined by the IDT for the individual, but even a placement is not available, the facility must document all attempts at discharging the individual. The individual in this case may remain in the facility until an appropriate placement becomes available.
- d) Thirty days following admission, a maximum growth potential plan must be developed by the IDT as a component of the individual's IPP. The maximum growth potential plan is an overall plan which identifies the deficits in the six areas of major life activity (see 89 Ill. Adm. Code 140.642(g) and 140.642(h) which prevent the individual from moving into a less restrictive setting. The support services necessary for the individual to attain his/her maximum growth potential must be identified. Specific information is included regarding the individual's need for supervision. The plan addresses the acquisition of behaviors necessary for the individual to function with enough self-determination and independence to successfully move into a less restrictive environment.

- e) The specific discharge plan is a component of the maximum growth potential plan. A discharge plan identifies the following:

- 1) the specific facility or setting the individual will be moved to; and
- 2) the specific areas which need to be addressed prior to the move, such as:
  - A) transportation needs
  - B) orientation to the new setting
  - C) the actual moving date
  - D) planned meetings with the receiving facility/environment
  - E) family/friendship considerations

- f) Prior to the individual's discharge, the facility must discuss the upcoming change with the individual and his/her family, guardian or advocate. The facility should also inform them of community services which will be available to the individual in his/her new environment after discharge.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.250 (continued)

- g) In conference with high standards relative to facility practices, the individual's discharge plan should include a plan for an ongoing follow-along process for at least three months after discharge to insure that the new living environment is responsive to the individual's needs. However, the Department's IOC program does not provide for review of this component of discharge planning.
- h) At the time of discharge, the facility must:
  - 1) prepare a discharge summary of the individual's developmental, behavioral, social, health, and nutritional status, as well as recommendations for future programming and follow-up services; and
  - 2) provide a post-discharge plan of care to the individual's new living environment, to assist him/her to adjust successfully to that environment.
- (Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities

Residential facilities, including distinct parts of facilities, for clients with developmental disabilities (ICF/MR certification with licensure for ICF/DD, ICF/DP-16, SDC, and ICF/MR-SNF/PED license), excluding state operated facilities for individuals with developmental disabilities, will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived by the Department of Mental Health and Developmental Disabilities from the following four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department of Public Health survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

a) Minimum Staffing

- 1) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 144.275(a)(1) (continued)

442.430.430 minimum average daily staffing standards relative to client population according to each individual's overall level of functioning:

Overall Level of Functioning	FTE* Staff : Client Ratio
Mild	1:5
Moderate	1:2.5
Severe or Profound	1:2

\*FTE = Full Time Equivalent

A) Determination of levels of functioning of clients with mental retardation and related conditions, in accordance with the definition of the American Association of Mental Retardation (Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period), will include both:

i) an assessment of intellectual functioning as measured by a standardized, full scale, individual intelligence test such as the Stanford Binet and WAIS-R. Such an assessment must be administered by a psychologist who is registered in Illinois under the Illinois Psychological Act (Illinois Department of Professional Regulation); and

ii) an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory For Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMRP) to evaluate each client's functional skills and adaptive behaviors. Facilities wishing to use assessment instruments other than the SIB or ICAP must submit the instrument and a written request for approval to the Chief of the Bureau of Developmental Disability Services.

B) The final determination of each client's overall level of functioning employs both the assessment of intellectual functioning and the assessment of adaptive behaviors, and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 144.275(a)(1)(B) (continued)

will be made according to the criteria set forth in Section 144. Table D and Section 144. Table E.

C) The amount for Direct Services for these staffing ratios shall be obtained by:

i) determining the number of clients within each overall level of functioning; dividing each number by the client component of the staff: client ratio; summing these quotients; multiplying the sum by the aide hourly wage factor, and then by 2080 (52 weeks times 40 hours per week), to obtain a total annual Direct Service cost; and dividing this total by 365 days and then by the number of clients to obtain the amount for Direct Services per client per day. For example, if a facility serves 40 clients in the mild level of functioning, 30 clients in the moderate level of functioning, and 30 clients in the severe/profound level of functioning, the number of FTE Direct Services staff will be (40 divided by 5) + (30 divided by 2.5) + (30 divided by 2) = 35. If the aide hourly wage is \$5.00, the total annual cost will be 35 x \$5 x 2080 = \$364,000. The amount for FTE Direct Services per client per day will then be \$364,000 divided by 365 divided by 100 = \$9.97.

ii) In ICF/DD-16 facilities, the foregoing calculation is modified such that in step 2 of subsection (i) above, the facility may receive an amount for up to an additional .5 FTE. Direct Service is determined by multiplying .5 FTE by the proportion found by the ratio of the number of Medicaid eligible clients in the severe/profound level of functioning divided by the total number of eligible clients.

2) Licensed Nurses - Facilities must be in compliance with HCFA (42 CFR 483.460) and Illinois Department of Public Health (IDPH)(77 Ill. Adm. Code 350.1230) staffing standards relative to facility type.

A) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) licensed for a population of 90 or fewer clients, none of whom require services under Levels II and III of Specialized Care - Health and Sensory Disabilities (subsections (a)(2)(C) and (D)) Section 144.150(c) and (d)) will be reimbursed for a minimum of 4.8 FTE nurses. A



DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

Section 144.275(a)(2)(A) (continued)

facility with only such a population which has a licensed capacity greater than 90 clients will be reimbursed for additional FTE nurses according to the following Table:

<u>Licensed Capacity.</u>	<u>FTE Nurse : Client Ratio</u>
<u>Client Type</u>	
Greater than 90 clients with no Specialized Care - Health and Sensory Disabilities needs under Levels II and III	1:18.75

- B) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) licensed for a population of 30 or fewer clients, all of whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities will be reimbursed for a minimum of 4.8 FTE nurses. A facility with only such a population which has a licensed capacity greater than 30 clients will be reimbursed for additional FTE nurses according to the following Table:

<u>Licensed Capacity.</u>	<u>FTE Nurse : Client Ratio</u>
<u>Client Type</u>	
Greater than 30 clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and III	1:6.25

AGENCY NOTE: The Omnibus Reconciliation Act of 1987 (P.L. 100-203) requirements prohibit the admission of individuals with a primary diagnosis of mental retardation into non-ICF/MR facilities. Therefore, SNF/PED facilities which meet ICF/MR certification requirements must be certified ICF/MR in order to comply with federal law when admitting individuals with mental retardation. Facilities which undergo certification conversion to ICF/MR will retain State licensure for skilled care (SNF/PED).

- C) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) which has a licensed capacity of 30 clients or more, some of whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some of whom do not require such services, will be

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

Section 144.275(a)(2)(C) (continued)

reimbursed for FTE nurses according to the following Table:

<u>Client Type</u>	<u>FTE Nurse : Client Ratio</u>
Clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and/or III	1:6.25
<u>Client Type</u>	<u>FTE Nurse : Client Ratio</u>
Clients with no Specialized Care needs under Levels II and III	1:18.75

For example, for a facility with a licensed capacity of 90 clients, 30 of whom require services under Level(s) II and/or III, and 60 of whom do not require such services, the number of FTE nurses will be (30 divided by 6.25 = 4.8) + (60 divided by 18.75 = 3.2) = 8. The facility will be reimbursed for 8 FTE nurses.

- D) Licensed nurses are not required in an ICF/DD-16 if none of the clients require a physician's medical care plan of treatment.

i) An ICF/DD-16 which has 8 or fewer clients with medical care plans of treatment but who do not require services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, will be reimbursed for .5 FTE nurse. A facility with 9 or more such clients will be reimbursed for one (1) FTE nurse.

ii) An ICF/DD-16 with clients requiring medical care plans of treatment and additional medical services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, will be reimbursed according to the method in subsection (i) above, plus additional reimbursement for licensed nurses using an FTE nurse: client ratio of 1:6.25.

- E) The licensed nurse component is computed similarly to the method in subsection (a)(1)(c). To determine the amount for Licensed Nurses, the number of FTE nurses required for

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.275(a)(2)(E) (continued)

## Section 144.275(b)(2) (continued)

each facility type and/or for clients receiving services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, shall be obtained according to subsections (a)(2)(A), (B), (C) and (D). This number is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

- 3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Staff plus the amount for Licensed Nurses.

## b) Active Treatment

- 1) Qualified Mental Retardation Professional (QMRP) - a person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities, and is one of the following:

- A) A doctor of medicine or osteopathy.  
 B) A registered nurse.  
 C) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Physical Therapist; Psychologist. Master's Degree; Social Worker; Recreation Specialist; Registered Dietitian; and Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR 483.430)

- D) The amount for QMRPs assumes that a full-time QMRP is required for every ~~fifteen~~(15) clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by ~~fifteen~~(15). The obtained number of QMRPs is multiplied by the hourly wage factor and then by 2080. The product is divided by 365 and then by the number of clients to arrive at an amount per client per day.

## 2) Interdisciplinary Team (IDT)

- A) The amount for services rendered by the IDT assumes that each client requires one day of IDT services per year. This amount is computed to be \$1.82 per client per day.

- B) Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is required (~~Section 144.100~~ and 89 Ill. Adm. Code 140.647). Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

## 3) Additional Direct Service Staff (ADSS)

- A) The amount for ADSS assumes an FTE staff: client ratio of 1:7.5. The total number of clients is divided by 7.5, and a per diem amount is obtained according to the method described in subsection (a)(1)(B). In SLC facilities, the foregoing calculation is modified so that the overall level of functioning is distributed proportionately across each living unit (16-18 clients) in Step 1 of the calculation. If dividing the number of clients results in a fraction, it is rounded up to the next whole number in proportion to the number of clients in the severe/profound level of functioning. The total FTE is obtained by summing the calculation results from each living unit.

- B) Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (subsection (a)(1)), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

- 4) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP, IDT and ADSS.

## c) Specialized Care

An additional amount will be paid for clients meeting the requirements for services under Specialized Care. Detailed descriptions of services under Specialized Care are found in Section 144.125 Specialized Care - Behavior Development Programs, and Section 144.150, Specialized Care - Health and Sensory Disabilities. The service Level for each client meeting the criteria of more than one

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.275(c) (continued)

Level under Specialized Care will be determined according to his/her disability or functional deficit which represents the most intense need for services under Specialized Care, and results in the greatest reimbursement.

## 1) Specialized Care - Behavior Development Programs

Behavior development programs are related to maladaptive behaviors which occur with high frequency and/or great severity, and are instituted for the reduction of maladaptive behaviors and/or the increase of adaptive behaviors. The behavior development program must demonstrate the need for and use of a more intensive staffing pattern (direct care staff) than the regular pattern which is reimbursed for under subsection (a)(1). The service level for a client who meets the requirements for services under Specialized Care - Behavior Development Programs will be identified and validated during the most recent IOC.

- A) Level I - .5 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with high frequency but moderate severity, such as verbal abuse one or more times per 4 hours which is hostile in tone and content.
- B) Level II - 1.0 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with high frequency and are aggressive or destructive, such as purposeful attacks of others which may result in minimal injuries, one or more times per day.
- C) Level III - 2.0 hours FTE Direct Service per day. More intense program services are provided for behaviors which occur with very high frequency such as hyperactivity one or more times per minute, or occur with high frequency and are seriously aggressive, assaultive or destructive and which may result in serious injury.

## 2) Specialized Care - Health and Sensory Disabilities

Specialized services for health and sensory disabilities refer to care which some clients must receive in order to attain physical health and development.

## A) Definitions

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.275(c)(2)(A) (continued)

- i) Ambulatory-The client is capable of walking without assistance or the aid of adaptive equipment or devices.
- ii) Mobile Nonambulatory-The client is capable of locomotion with mobility assistance such as adaptive equipment or devices.

iii) Nonmobile-The client is not capable of locomotion even with mobility assistance.

B) Level I - .5 hours FTE Direct Service per day. The client is ambulatory, mobile nonambulatory or has the potential to become mobile nonambulatory, and requires services to compensate for a sensory deficit (auditory or visual), or services enabling him/her to be mobile (physical disabilities).

i) Sensory deficits-visual. The client's vision is 20/200 or less in the better eye with the greatest possible correction (Ill. Rev. Stat. 1989, ch. 23, pars. 3332).

ii) Sensory deficits-auditory. The client has a hearing impairment of at least fifty-five (55) decibels in the better ear, unaided-(89-111--Adm--Code-585,499 (b)(1)+(B)).

iii) Physical disabilities means physical impairments which result in functional deficits requiring the client to receive training in the use of a device or devices, to achieve some level of independent mobility.

C) Level II - 1.0 hours FTE Direct Service per day. The client is nonmobile, or mobile nonambulatory, requires mobility assistance, and requires services to meet high personal care needs. The client may also have significant daily medical needs and/or dual sensory deficits (visual and auditory).

i) Mobility assistance means assistance in transferring from a bed to an alternative position device, and assistance with movement/mobility around the facility.

ii) High personal care means one or more of the following: assistance with bathing, clothing, grooming and hygiene, eating and continence; position



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.275(c)(2)(C)(ii) (continued)

changes at two hour intervals, or as specified in the individual program plan; range of motion twice a day, or as specified in the individual program plan.

iii) Daily medical need means daily insulin injections, drug (insulin) monitoring, and/or ostomy care for a jejunostomy, ileostomy or colostomy.

iv) Dual sensory deficits means both an auditory disability and a visual disability.

AGENCY NOTE: A client who meets the criteria for Level II services is eligible for the FTE nurse: client ratio according to subsection (a)(2)(B), (C) and (D).

D) Level III - 2.0 hours FTE Direct Service per day. The client is typically nonmobile or mobile nonambulatory, but may be ambulatory, and requires services to meet high medical needs. High medical needs mean one or more of the following:

- i) daily intermittent catheterization;
- ii) care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations;
- iii) respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning;
- iv) feeding via nasogastric tube, or prolonged oral feeding; and
- v) intensive physical habilitation due to a functional deficit as determined by physical or psychological causes.

AGENCY NOTE: A client who meets the criteria for Level III services is eligible for the FTE nurse:client ratio according to subsection (a)(2)(B), (C) and (D).

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.275(c) (continued)

3) The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under subsection (c)(1) and (2), pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage factor is \$5.00, assume a facility of 10 residents, two of whom meet the criteria for Specialized Care - Health and Sensory Disabilities Level II (c)(2)(C) with no daily medical needs, or sensory deficits, and eight of whom do not meet Specialized Care criteria. The facility will receive an amount of \$.81 per client per day (2 hours x 1.14 (FTE adjustment factor) divided by 8 hours/day = .285 staff; then .285 x (2080 hours/year divided by 365 days/year); then divide by 10 clients and multiply by \$5.00 to obtain \$0.81).

## d) Related Costs

1) An amount per client per day will be paid for other program costs, including program - related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.

2) For each facility type, this amount will be determined as follows. Add the amounts determined for subsections (a), (b) and (c), but excluding the amount for the IDT (subsection (b)(2)), and then multiply this sum by the facility's Health Service Area (HSA) grouping (89 Ill. Adm. Code 140.140-Table B and 89-111-Adm-Code-140-Table-J). The product plus the amount for the IDT (subsection (b)(2)), is then multiplied by a constant for the facility type, as follows:

<u>Facility Type</u>	<u>Constant</u>
ICF/DD	.10
SNF/PED or ICF/DD	.15
(An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities.)	
ICF/DD-16 & SLC	.20

3) An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some clients not requiring such services will have the total related cost calculated according to the weighted sum of the number of clients requiring Level(s) II and/or III multiplied by .15, plus the number of clients not requiring such

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.275(d)(3) (continued)

services multiplied by .10. For example, for a facility with a licensed capacity of 90 clients, 30 of whom require services under Level(s) II and/or III, and 60 of whom do not require such services, the total related cost will be calculated according to subsection (d)(2) for both groups of clients. (That is, subsections (a), (b) and (c) are summed, excluding the amount for the IDT, for clients requiring Level(s) II and/or III and for clients not requiring Level(s) II and /or III. Each sum is multiplied by the facility's HSA grouping, and the products are added to the amount for the IDT.) Each outcome is multiplied by the appropriate constant (the SNF/PED-ICF/DD constant of .15 or the ICF/DD constant of .10), and then by the number of clients in each group respectively. The two products are summed and then divided by the total number of clients.

- 4) An amount will also be paid for dental services which are in compliance with HCFA's regulations (42 CFR 483.450(e)(f)(g)), for each client age 21 or more. Beginning July 1, 1991, this amount will be determined by adding the flat per diem of \$.30 to the amount calculated according to subsection (d)(2) above. This per diem will cover the costs of prophylaxis treatment up to once every six (6) months, and periodontal services as needed for each eligible client.

- e) Total Program Per Diem - Total program per diem for each facility will be the sum of the amounts from subsections (a), (b), (c) and (d) of this Section.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.300 Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities  
EMERGENCY

Small scale residential facilities (ICF/MR) with four {4} or six {6} beds for clients with developmental disabilities will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived by the Department of Mental Health and Developmental Disabilities from the following three determinants which in combination will result in a total facility program per diem amount. These three determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department of Public Health survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.300 (continued)

amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

- a) Minimum Staffing
- 1) Direct Services

- Reimbursement for direct services is based on a direct service staffing pattern which is specific to small scale ICF/MR facilities. Facilities must be in compliance with minimum average daily staffing standards relative to client population according to each individual's overall level of functioning. The overall level of functioning for each client is determined according to the method described in Section 144.275 a)(1)(A)(i) and (ii), and Sections 144.275 a)(1)(A)(iii) and (iv), and Sections 144.275 a)(1)(A)(v) and (vi). The direct service staffing patterns are based on the size of the residential setting and the overall level of functioning of the client population, are:

Overall Level of Client Functioning

FTE\* Staff

4-Person ICF/MR

Mild	2.13
Moderate	3.88
Severe or Profound	5.93

2.13  
3.88  
5.93

6-Person ICF/MR

Mild	3.2
Moderate	5.02
Severe or Profound	6.84

3.2  
5.02  
6.84

\*FTE = Full Time Equivalent

- 8) Reimbursement will be calculated according to the total direct service FTE staff derived from the weighted average of the FTE staff for levels of functioning in the moderate and severe/profound range within the small scale facility. After the total FTE staff are determined, the per diem amount is obtained according to the method in Section 144.275(a)(1)(c)(i).

- C) The reimbursement for a client residing in a small scale ICF/MR who has been found to be ineligible for ICF/MR

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.300(a)(1)(C) (continued)

services, as a result of the facility's Interdisciplinary Team (IDT) process or an IOC determination, will be at the mild level of overall functioning for not more than one year from the quarter following the determination of ineligibility. If the client has not been discharged in accordance with 144.250 by the end of the one year period, reimbursement will be made at the Department's sheltered care rate. The sheltered care rate will be payment in full for all program, capital and support costs for such clients.

D) Reimbursement for a client admitted to a small scale ICF/MR who is determined to be ineligible, or who is without a determination of eligibility by the preadmission screening process, will be set at the sheltered care rate. The sheltered care rate will be payment in full for all program, capital and support costs. Payment for services for each client who has not been found eligible for the ICF/MR program upon admission will terminate 30 days following the date of admission. Reimbursement for residential services for such a client which is paid to the facility beyond the 30 day period following admission will be recouped by the Department from the next facility payment or other contractual time period.

E) The facility rate paid will be the weighted average of the total per diem (including capital and support) calculated for eligible clients with mild, moderate and severe/profound level of overall functioning and the Department's sheltered care rate for clients admitted without previously determined ICF/MR eligibility, or who are ineligible for ICF/MR services as determined by the IDT or IOC process, and remain in the facility for more than one year following the date of the determination of ineligibility.

## 2) Licensed Nurses

A) If a client requires nursing services due to a physician's plan of care, reimbursement is calculated according to Section 144.275(a)(2)(D). The FTE nurse to client ratios which are specified for ICF/MR facilities with 16 or fewer beds, are also used for a set of small scale ICF/MR facilities as identified by the provider agreements (see 89 Ill. Adm. Code 140.561(a)).

B) The licensed nurse component is computed according to the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.300(a)(2)(B) (continued)

method in Section 144.275(a)(2)(E).

3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Services staff plus the amount for Licensed Nurses.

## b) Active Treatment

1) Qualified Mental Retardation Professional (QMRP) (Section 144.275(b)(1)(A), (B) and (C)).

A) The reimbursement amount paid is based on sixteen clients in an identified set of 4-person and 6-person ICFs/MR.

B) The amount for QMRPs is based on a required full-time QMRP for every fifteen-15 clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by fifteen-15. The amount paid for QMRPs is computed according to the method in Section 144.275(b)(1)(D).

2) Interdisciplinary Team (IDT) (Section 144.275(b)(2)(B)) - The amount for services rendered by the IDT is based on one day of IDT services per year for each client. This amount is computed to be \$1.82 per client per day.

3) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP and IDT.

## c) Related Costs

1) An amount per client per day will be paid for other program costs, including program related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.

2) For each facility, this amount will be determined as follows. Add the amount determined for subsections (a) and (b), but exclude the amount for the IDT. Multiply this sum by the factor determined for the facility's HSA grouping. The product plus the amount for the IDT is then multiplied by the constant of .20.

d) Total Program Per Diem - Total program per diem for each small scale residential facility will be the sum of the amounts from subsections



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.300(d) (continued)

(a), (b) and (c) of this Section.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144.325 Capital Rate Calculation  
EMERGENCY

a) Capital rates for ICF/MR facilities with four or six beds which are licensed as intermediate-care facilities for the developmentally disabled with 4 beds or 6 beds (ICF/DD-4, ICF/DD-6) will be calculated by the Department of Mental Health and Developmental Disabilities according to this Section, which provides calculation methods for rates for various capital categories. Rate charts will be prepared each year based upon these provisions. The rate for an individual facility will be selected based upon the following criteria:

1) New construction or remodeled building. If the facility is a remodeled building the base cost will be used to assign it to a category.

2) Base Year

3) Location

b) The terms used in this Section are defined as follows:

1) "Arm's-length transaction" means a transaction between a buyer and a seller both free to act, each seeking his own best economic interest. A transaction between related parties as defined in 89 Ill. Adm. Code 140.537 is not considered to be an arm's-length transaction.

2) "Base Year" refers to the weighted average year of investment in the actual construction of the building. The Base Year is determined using the components of the building cost, which are included in the Building Base Cost, and the corresponding years of acquisition or construction. The year of each component of the total investment is multiplied by the cost of each year's investment. The sum of these products is then divided by the total Building Base Cost to yield an average year of construction. Any fractional portion of the Base Year derived from this calculation will be truncated. The Base Year will not change due to sale or lease of the building.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.325(b) (continued)

3) "Capital Days" are used to convert all capital items to per diem amounts. A 93% occupancy standard is used in the rate calculation.

4) Building Base Cost refers to the cost to purchase the building to be first licensed as an ICF/DD-16 facility with four or six beds ICF/DD-4 or ICF/DD-6 facility. Only costs associated with arms-length transactions between unrelated parties will be considered. The allowable cost of subsequent improvements to the building will be included in the building base cost. The building base cost will not change due to sales or leases of the facility.

5) "Square feet per bed" is defined as 445 square feet per bed for a four 4 bed facility and 365 square feet per bed for a six 6 bed facility.

6) "New Construction Cost Per Square Foot" is defined as the costs published by the R.S. Means Company, Inc.. Data will come from the most recent edition of the Means Square Foot Costs publication. The cost used per square foot for new construction is based upon average residential one story construction. Factors are included for wood frame, wood siding, central air, and two bathrooms.

7) Location. The facilities will be separated into one of the following location groups:

A) Group 1 - Cook, DuPage, Will and Lake counties.

B) Group 2 - Counties 175,000 to 1,000,000 population.

C) Group 3 - Counties below 175,000 population.

8) New building construction refers to construction of a complete building for the purpose of being licensed and operated as an ICF/DD-16 facility with four or six beds ICF/DD-4 or ICF/DD-6 facility.

9) Remodeled buildings refer to buildings which previously existed for some other function and were remodeled to be licensed and operated as an ICF/DD-16 facility with four or six beds ICF/DD-4 or ICF/DD-6 facility.

c) The rates will be calculated for facilities constructed during the current rate year according to the following steps. These steps will

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.325(c) (continued)

result in six different rate categories. There is a four 4 bed rate and a six 6 bed rate within each of three different location categories.

1) Preliminary Cost Per Bed - The new construction cost per square foot is multiplied by the square feet per bed to get a preliminary cost per bed.

2) Revised Cost Per Bed

A) The preliminary cost per bed is multiplied by a 120% adjustment factor and is then further increased by factors for a two car garage and for sprinklers as follows:

- i) Garage - The R.S. Means Company, Inc. projected cost for an attached two car garage is divided by four 4 or six 6 beds whichever is applicable to obtain a cost per bed.
- ii) Sprinklers - A \$6,200 sprinkler cost is divided by four 4 or six 6 beds whichever is applicable to obtain a cost per bed.

B) The result of this step is a revised cost per bed for new construction.

3) Localized Cost Per Bed

A) The revised cost per bed is multiplied by a locality adjustor for the applicable area of the State in which the facility is located. A separate locality adjustor is calculated for the following areas:

- i) Cook, DuPage, Will and Lake counties.
- ii) Counties 175,000 to 1,000,000 population (excluding DuPage, Will and Lake Counties).
- iii) Counties below 175,000 population.

B) The locality adjustors are calculated as the average of all locality factors for each area in the most recent R.S. Means Company, Inc. publication.

C) The result of this step is the localized cost per bed.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.325(c) (continued)

4) Total Projected Investment Per Bed - Land is added to the localized cost per bed to arrive at the total projected investment per bed. Land is based upon \$25,000 for facilities located in the Cook, DuPage, Will and Lake counties. Counties with a population of 175,000 to 1,000,000 will use a \$18,750 total land cost. Counties with a population below 175,000 will use a \$12,500 total land cost. The total land cost is divided by four 4 or six 6 beds to determine the land cost per bed.

5) The total projected investment per bed is divided by 339 client days (365 days x 93% = 339) to arrive at a per diem investment.

6) The per diem investment is multiplied by a 11% rate of return and further increased by \$3.01 per diem for equipment, working capital costs and vehicles to obtain the rate.

7) The rates for facilities with a base year which is older than the current rate year will be calculated using the same steps as newly constructed facilities in subsection (c) except for the localized cost per bed in subsection (c)(3). The localized cost per bed is discounted by a 3% obsolescence factor for each year between the base year and the current year.

8) A table will be prepared by the Department of Mental Health and Developmental Disabilities which will list all applicable rates for each rate year. The rate for any facility will be looked up based upon the base year, bed size and location of the facility.

9) Rates for Remodeled or Existing Construction

A) To recognize the potentially wide range of investment in existing facilities to be converted into small scale ICF/MR facilities with four or six beds ICF/DB-4 or ICF/DB-6 residential facilities, modifications have been made to the calculation of total projected investment for subsection (c)(4).

B) The buildings which were remodeled will be separated into four categories using the lower of the actual land and building purchase price plus remodeling cost per bed, or the appraisal cost of land and building per bed. This assignment to categories is based upon comparison of the facility's cost (lower of actual or appraisal) to the result of the following percentages of the projected investment from subsection (c)(4): (Equipment cost is not included in this comparison.)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.325(c)(9)(B) (continued)

- i) Category 1 - 77.5% and above
- ii) Category 2 - 62.5% to 77.4%
- iii) Category 3 - 47.5% to 62.4%
- iv) Category 4 - 47.4% and less

C) The total projected investment from subsection (c)(4) will be multiplied by the following category percentages as applicable, and rates calculated based upon the remaining provisions in subsection (c):

- i) Category 1 - 85%
- ii) Category 2 - 70%
- iii) Category 3 - 55%
- iv) Category 4 - 40%

d) Rented facilities will have the capital rates calculated by the same procedures as are used for owned facilities.

## e) Property Taxes

1) For four and six bed ICF/DD-4 and ICF/DD-6 facilities which can show they will be required to pay property taxes, the Department will have the median property tax rate for their HSA added to the capital rate.

2) In subsequent years the property tax portion of the capital rate will be calculated in accordance with 89 Ill. Adm. Code 140.578(b).

## f) Combined Rate

1) Small scale ICF/MR facilities are separately licensed facilities. However, reimbursement for capital costs is based on the sixteen person capacity of a set of four 4-person facilities, or one 4-person plus two 6-person facilities (see 89 Ill. Adm. Code 140.561(b)). The set of small facilities used in computing the capital rate will be identified in the provider agreements.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 144.325(f) (continued)

- 2) A separate capital rate will be calculated for each licensed facility in the set of four facilities. These rates will be combined to arrive at one average capital rate for the set. The averaging of the capital rates will be weighted according to the number of licensed beds in each of the four facilities in the set.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

Section 144. TABLE C IPP Outcomes (Repealed)  
EMERGENCY

Outcomes-----		Behavior-Example-----		Measurement/Documentation-----	
A)	Improvement in-target-behavior (reduction of-excess)	Decrease in-frequency of-head-banging-to-near-zero-levels	Decrease in-frequency of-head-banging-to-near-zero-levels	Frequency-counts-of-hits-collected-in-Daily-logs	Frequency-counts-of-hits-collected-in-Daily-logs
		Decrease in-operand of-excess)	Decrease in-operand of-excess)	Incident-Records	Incident-Records
				Frequency-counts-of-vomiting-incidents	Frequency-counts-of-vomiting-incidents
				Quality-Measures	Quality-Measures
				Weight-gain	Weight-gain
B)	Acquisition of-alternative skills-and-positive behaviors	Asking-for-a-break rather-than-hitting others-or-throwing objects	Asking-for-a-break rather-than-hitting others-or-throwing objects	Frequency-count-of-number-of-breaks-requested-related-to-incident-frequency	Frequency-count-of-number-of-breaks-requested-related-to-incident-frequency
		Playing-video-games rather-than-engaging in-feeding	Playing-video-games rather-than-engaging in-feeding	Time-spent-in-aready-tokens used-time-logged-on-microcomputer-on-site	Time-spent-in-aready-tokens used-time-logged-on-microcomputer-on-site
		Increase-peer-interactions-as-aggression-declines	Increase-peer-interactions-as-aggression-declines	Participation-in-small-group activities-that-were-previously-impossible	Participation-in-small-group activities-that-were-previously-impossible
		Decrease-in-skin-irritations-as-hand-mouth-decreases	Decrease-in-skin-irritations-as-hand-mouth-decreases	Red-and-flaky-skin-becomes-more-normal-in-appearance	Red-and-flaky-skin-becomes-more-normal-in-appearance
		Decrease-in-cuts-due-to-head-banging-that-require-sutures	Decrease-in-cuts-due-to-head-banging-that-require-sutures	Medical/hospital-records	Medical/hospital-records
D)	Reduced-need for-medical and-orientation management services-for	Decrease in-cuts-due to-head-banging-that-require-sutures	Decrease in-cuts-due to-head-banging-that-require-sutures	Workers'-Compensation-and-health-insurance-records-and-claims	Workers'-Compensation-and-health-insurance-records-and-claims
		Decrease-in-staff injuries-due-to aggression	Decrease-in-staff injuries-due-to aggression		



DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

Section 144.TABLE C(D) (continued)

Outcomes-----	Behavior-Example-----	Measurement/Documentation-----
client-and/or others	Decrease-in-medication --prescribed-for --behavioral-control Decrease-in-emergency --and-respite- --hospitalization	Reductions-and-elimination-of --dosages Hospital/respite-center- --records-(also-incident --Records) Placement-records
E) Less restrictive placements and-greater participation in-integrated community experiences	Home+-lives-in --supported-apartment, --not-institution Work+-supported-work --with-pay,-not-day --treatment-of- --sheltered-workshop Leisure/recreation --normalized-leisure --time-report-to-ier,-not --Special-Olympics-of --barren-day-room Community+-participation --in-community- --experiences,-not --restriction-to-home/ --work-settings	Schedule-of-activities  Schedule-of-activities
F) Subjective quality-of-life improvement+ happiness+ satisfaction+ choices-for client	More-smiling-and-general --positive-affect More-choices General-motivation-to --participate-in-daily --activities	Observations-and-reports - Rating-scale-for-choices --and-record-of-opportunities Incident-record
G) Perceptions of-improvement by-family+ significant-other	Family-is-pleased-with --behavior-change Staff-is-pleased-with --behavior-change Client-problems --disappear	Increased-contact-with-family --documented-by-visit-and- --phone-records Fewer-complaints,-requests-for- --time-off,-assignment --elsewhere,-and-so-forth Agency-records-of-actions- --involving-client-problems+ --need-for-plans,-meetings-and-

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

Section 144.TABLE C(G) (continued)

Outcomes-----	Behavior-Example-----	Measurement/Documentation-----
H) Expanded social relationships and-informal support networks	Increased-community --participation-with --peers Fading-of-once-necessary --one-to-one-staff --assignment-to-client Friendships Social-dating	--so-forth Agency-records-and-activity --schedule Staffing-changes+-reduced-need- --for-staff Whether-client-has-friend+ --number-of-friends Whether-client-has-girlfriend- --of-boyfriend

(Source: Emergency repealer at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994,  
for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number:  
153.150  
New Section  
Emergency Action:
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: July 1, 1994
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1994
- 8) Reason for Emergency: These emergency amendments pertain to quality assurance (QA) reviews in nursing facilities, and are being filed in conjunction with the maintenance of reimbursement levels for the period January 18, 1994 through June 30, 1995, for Medicaid funded long term care facilities. This rate maintenance was implemented to ensure that the Medicaid liability of the Department to providers of long term care services could be met through Fiscal Year 1995, and to permit the Department to purchase long term care services in a prudent and cost effective manner while preventing excessive, unnecessary expenditures.

Since the Inspection of Care (IOC) program in nursing facilities is not federally mandated, and is not necessary for rate setting purposes while rates are stabilized, nursing facility providers and the Department have reached an agreement to suspend IOCs and conduct (QA) reviews for the duration of the rate maintenance period. The Department will conduct QA reviews to ensure that program delivery necessary for resident services continues and standards relating to quality of care are maintained. These emergency amendments must take effect as soon as possible to protect the health, safety and welfare of nursing facility residents during the period of IOC suspension.

- 9) Complete Description of the Subjects and Issues Involved: These proposed amendments provide a mechanism for reviewing and maintaining the quality of care delivered in Medicaid funded nursing facilities during a period of suspension of the Inspection of Care (IOC) program. The amendments are being filed in conjunction with the stabilization of reimbursement levels for long term care facilities for the period January 18, 1994 through June 30, 1995, which was implemented to ensure that the Medicaid liability of the Department to providers of long term care services could be met through Fiscal Year 1995, and to permit the Department to purchase long

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

term care services in a prudent and cost effective manner.

Since the IOC program in nursing facilities is not federally mandated, and is not necessary for rate setting purposes during the rate maintenance period, nursing facility providers and the Department have reached an agreement to suspend IOCs and conduct quality assurance (QA) reviews for the period July 1, 1994 through June 30, 1995. These QA reviews will be conducted to monitor quality of care, and the continuance of program delivery necessary for resident services. The Department's goal is to conduct meaningful reviews in an expedient manner.

The QA review process will begin in facilities which were due for an IOC survey in January, 1994. When the Department becomes current relative to the IOC schedule, QA reviews will be conducted in sequence within the three month period prior to a facility's annual IOC date. The QA reviews will include inspection of 11 major program areas from the IOC program, for a random 30 percent sample of Medicaid residents or no fewer than ten Medicaid residents. In any facility having fewer than ten such residents, all of the Medicaid residents will be reviewed.

The QA review process will not include formal negotiation or arbitration, but Department surveyors will allow for discussion regarding any areas of dispute. If the QA review indicates a reduction of more than ten percent in a facility's earned reimbursement level, procedures will be implemented which provide for facility notification, surveyor assistance with problem correction, a follow-up QA review, and a full IOC for 100 percent of Medicaid residents if necessary. According to this process, rates can be recalculated and reduced when warranted.

Implementation of the QA review process will not result in any expenditure changes for the Department.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153  
LONG TERM CARE REIMBURSEMENT CHANGES

Section  
153.100 Reimbursement for Long Term Care Services  
153.150 Quality Assurance Review  
EMERGENCY

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI 3-4, 5-6 and 5/12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III 3].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; Rules adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 153.150 Quality Assurance Review  
EMERGENCY

a) Purpose - Beginning July 1, 1994, quality assurance (QA) reviews will be conducted in nursing facilities to verify that programs scored during the last Inspection of Care (IOC) and new programs established for Medicaid residents continue to meet criteria as described in 89 Ill. Adm. Code 147.

b) Review Process

1) QA reviews will include the following 11 program areas from the IOC:

- A) Restorative Bathing/Grooming
- B) Restorative Clothing
- C) Restorative Eating
- D) Restorative Mobility

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 153.150(b)(1) (continued)

- E) Restorative Continence
- F) Psychosocial/Mental Status
- G) Pressure Ulcer Treatment
- H) Pressure Ulcer Prevention
- I) Psychotropic Med Reduction
- J) Passive Range of Motion
- K) Restraint Reduction and Management
- 2) A random 30 percent sample of Medicaid clients residing in a facility will be selected for the review.
- 3) Wherever possible, the sample will only include residents surveyed during the last IOC.
- 4) When there is not a sufficient number of residents in the facility from the last IOC to derive a random 30 percent sample, the sample will be chosen from the entire Medicaid population of the facility.
- 5) No less than ten Medicaid residents will be reviewed, unless fewer than ten Medicaid residents reside in the facility.
- 6) In facilities with a Medicaid census of less than ten, all Medicaid residents will be reviewed.
- 7) Assessments, plans of care and implementation of programs will be reviewed as described in 89 Ill. Adm. Code 147.
- 8) Copies of completed QA modified Form DPA 2700, Illinois Assessment of Need for Care, will be presented to the facility daily.
- 9) Each QA review will be concluded with an exit conference.
- c) Resolution
  - 1) There will be no formal negotiation or arbitration.
  - 2) There may be residents who are not receiving the same services now that they were receiving at the last IOC. Resident health



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 153.150(c)(2) (continued)

status may change over time, either through improvement or deterioration, and the resident may no longer benefit from a program. Consequently, the resolution process will include a provision for scoring discontinued programs where there is documentation to support that the program was discontinued appropriately because the resident could no longer benefit from it. The facility is encouraged to discuss discontinued programs with Department staff and to present any documentation to support its position.

- 3) Disagreement on any OA review findings that cannot be settled between the facility and OA team will be resolved at the Bureau of Long Term Care (BLTC) regional supervisor level.

## d) Notification of OA Results

- 1) Data gathered during the OA review will be evaluated by the Department.
- 2) If the results of the OA review indicate the current service level is at least 90 percent of the service level of the last IOC, the facility will pass the OA review and no further action will be taken.
- 3) To determine whether the 90 percent level has been maintained, the Department will compare the dollar amount calculated from the OA review for the 11 program areas to the reimbursed amount for the same 11 program areas from the latest IOC.
- 4) If the OA review indicates a reduction of more than ten percent in the earned rate, the following procedures will be implemented:

- A) The facility will be notified, in writing, of the OA findings within 30 days of the OA review exit date.
- B) Upon request from the facility, consultation will be provided by BLTC field staff to assist the facility with correction of problems.
- C) A follow-up OA review will be conducted between 90 and 120 days after the first OA exit date.

- 1) The procedure defined in subsection (b)(2) through (b)(6) above will be used to select a 30 percent random sample for the follow-up OA review.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 153.150(d)(4)(C) (continued)

- ii) Resolution as defined in subsection (c) above is available during the follow-up OA review.

- D) The facility will be notified, in writing, of the follow-up OA findings within 30 days of the follow-up OA review exit date.

- E) If the follow-up OA review indicates a reduction of more than ten percent in earned rate from the last IOC, a full IOC on 100 percent of Medicaid residents will be initiated within 45 days of notification of the results from the follow-up OA review.

## e) Rate Adjustments

- 1) In any case where a 100 percent review is performed due to a reduction in services, rates will be recalculated and reduced, if indicated, based upon the full IOC results. The reduced rate will become effective on the first day of the month following the month that the full IOC exit took place.

- 2) Rates will not be increased based upon IOC results.

- f) The OA review process will be used during the rate maintenance period which ends June 30, 1995.

(Source: Emergency rule added at 18 Ill. Reg. \_\_\_\_\_, effective July 1, 1994, for a maximum of 150 days)

## STATE BOARD OF EDUCATION

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Sprinkler Systems
- 2) Code Citation: 23 Ill. Adm. Code 170
- 3) Section Numbers: 170.30
- 4) Date Proposal published in Illinois Register:

October 22, 1993      17 Ill. 18419  
Issue Date

- 5) Date Adoption published in Illinois Register:

March 25, 1994      18 Ill. Reg. 4699  
Issue Date

- 6) Date Request for Expedited Correction published in Illinois Register:

June 10, 1994      18 Ill. Reg. 8955  
Issue Date

- 7) Adoption Effective Date: March 14, 1994

- 8) Correction Effective Date: March 14, 1994

- 9) Reason for Approval of Expedited Correction: The correction eliminates an unintended discrepancy between the adopted rule and the agreement certified by the Joint Committee.

*John A. Arguando*      6-27-94  
State Superintendent      Date  
of Education

The full text of the Corrected Rule begins on the following page.

## STATE BOARD OF EDUCATION

## NOTICE OF EXPEDITED CORRECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

## PART 170

## SPRINKLER SYSTEMS

Section  
170.10 Purpose and Scope  
170.20 Requirements and Applicability  
170.30 Standards for Sprinkler Systems  
170.40 Standards for Plans and Specifications  
170.50 Approval Process

AUTHORITY: Implementing and authorized by Section 22-23 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 22-23) [105 ILCS 5/22-23].

SOURCE: Adopted at 18 Ill. Reg. 4699, effective March 14, 1994; expedited correction at \_\_\_ Ill. Reg. \_\_\_, effective March 14, 1994.

NOTE: Capitalization denotes statutory language.

Section 170.30 Standards for Sprinkler Systems

The State Superintendent of Education shall approve only sprinkler system plans which conform to the requirements set forth in the "Standard for the Installation of Sprinkler Systems" (NFPA 13; 1991) and, where alternative protection is necessary, "Dry Chemical Extinguishing Systems" (NFPA 17; 1990), both published by the National Fire Protection Association, 1 Battery March Park, Quincy, Massachusetts 02269-9101. (No later amendments to or editions of these standards are incorporated by this rule.) The requirements of this Section 170.30 supersede those set forth in the State Board's rules for "Efficient and Adequate Systems for the Building Specifications for the Construction of Schools" (see 23 Ill. Adm. Code 175.310).

(Source: Expedited Correction at \_\_\_ Ill. Reg. \_\_\_, effective March 14, 1994)

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: The Uniform Penalty and Interest Act  
Citation: 35 ILCS 735/3-1 et seq.

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Last week in Revenue Ruling 94-39 (Internal Revenue Bulletin No. 1994-26, 6/27/94), the Internal Revenue Service announced that the underpayment rate will be 8% beginning July 1, 1994. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 8% from July 1, 1994 through December 31, 1994.

3. Name and address of person to contact concerning this information:

Keith Staats  
Senior Counsel - Income Tax  
Office of the General Counsel  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-6336

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STATE OF ILLINOIS CENTER

ROOM 16-503  
CHICAGO, ILLINOIS  
10:00 A.M.  
JULY 19, 1994

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706

AGENDA**I. Approval of June 14, 1994 Minutes****II. Review of Proposed Agency Rulemaking**Carnival Amusement Safety Board

1. Carnival and Amusement Ride Inspection Law (56 Ill Adm Code 6000)  
-First Notice Published: 18 Ill Reg 6040 - 4/22/94  
-Expiration of Second Notice Period: 8/6/94

Commerce Commission

2. Operator Service Providers (83 Ill Adm Code 770)  
-First Notice Published: 18 Ill Reg 6099 - 4/22/94  
-Expiration of Second Notice Period: 8/5/94

Community College Board

3. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)  
-First Notice Published: 17 Ill Reg 11993 - 7/30/93  
-Expiration of Second Notice Period: 7/30/94



Conservation

4. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (17 Ill Adm Code 530)  
-First Notice Published: 18 Ill Reg 4495 - 3/25/94  
-Expiration of Second Notice Period: 7/22/94
5. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)  
-First Notice Published: 18 Ill Reg 6202 - 4/29/94  
-Expiration of Second Notice Period: 8/4/94
6. Field Trials on Department-Owned or Managed Sites (17 Ill Adm Code 910)  
-First Notice Published: 18 Ill Reg 3846 - 3/18/94  
-Expiration of Second Notice Period: 7/22/94

Environmental Protection Agency

7. Licensing of Industrial Hygienists (35 Ill Adm Code 184)  
-First Notice Published: 18 Ill Reg 4 - 1/7/94  
-Expiration of Second Notice Period: 8/3/94

Labor

8. Health and Safety (56 Ill Adm Code 350)  
-First Notice Published: 18 Ill Reg 1672 - 2/4/94  
-Expiration of Second Notice Period: 8/13/94

Lottery

9. Lottery (General) (11 Ill Adm Code 1770)  
-First Notice Published: 18 Ill Reg 6519 - 5/6/94  
-Expiration of Second Notice Period: 8/10/93

Nuclear Safety

10. Fees for Radioactive Material Licenses (32 Ill Adm Code 331)  
-First Notice Published: 18 Ill Reg 3045 - 3/4/94  
-Expiration of Second Notice Period: 7/21/94

Pollution Control Board

11. Water Use Designation and Site Specific Water Quality Standards (35 Ill Adm Code 303)  
-First Notice Published: 17 Ill Reg 18759 - 10/29/93  
-Expiration of Second Notice Period: 8/11/94
12. Groundwater Quality (35 Ill Adm Code 620)  
-First Notice Published: 18 Ill Reg 5113 - 4/1/94  
-Expiration of Second Notice Period: 7/23/94
13. Solid Waste (35 Ill Adm Code 807)  
-First Notice Published: 17 Ill Reg 17703 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
14. Solid Waste Disposal: General Provisions (35 Ill Adm Code 810)  
-First Notice Published: 17 Ill Reg 17709 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
15. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)  
-First Notice Published: 17 Ill Reg 17730 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
16. Information to be Submitted in a Permit Application (35 Ill Adm Code 812)  
-First Notice Published: 17 Ill Reg 17644 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
17. Procedural Requirements for Permitted Landfills (35 Ill Adm Code 813)  
-First Notice Published: 17 Ill Reg 17654 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
18. Standards for Existing Landfills and Units (35 Ill Adm Code 814)  
-First Notice Published: 17 Ill Reg 17721 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
19. Procedural Requirements for All Landfills Exempt from Permits (35 Ill Adm Code 815)  
-First Notice Published: 17 Ill Reg 17649 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94
20. Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill Adm Code 817)  
-First Notice Published: 17 Ill Reg 17659 - 10/15/93  
-Expiration of Second Notice Period: 7/19/94

Professional Regulation

21. The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465)  
 -First Notice Published: 18 Ill Reg 7194 - 5/13/94  
 -Expiration of Second Notice Period: 8/13/94

Public Aid

22. Aid to Families with Dependent Children (89 Ill Adm Code 112)  
 -First Notice Published: 18 Ill Reg 4546 - 3/25/94  
 -Expiration of Second Notice Period: 7/24/94

23. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)  
 -First Notice Published: 18 Ill Reg 4562 - 3/25/94  
 -Expiration of Second Notice Period: 7/24/94

24. General Assistance (89 Ill Adm Code 114)  
 -First Notice Published: 18 Ill Reg 4586 - 3/25/94  
 -Expiration of Second Notice Period: 7/24/94

25. Food Stamps (89 Ill Adm Code 121)  
 -First Notice Published: 18 Ill Reg 4575 - 3/25/94  
 -Expiration of Second Notice Period: 3/25/94

26. Hospital Services (89 Ill Adm Code 148)  
 -First Notice Published: 18 Ill Reg 5135 - 4/1/94  
 -Expiration of Second Notice Period: 7/24/94

Public Health

27. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)  
 -First Notice Published: 18 Ill Reg 4961 - 3/25/94  
 -Expiration of Second Notice Period: 8/13/94

28. Sheltered Care Facilities Code (77 Ill Adm Code 330)  
 -First Notice Published: 18 Ill Reg 4942 - 3/25/94  
 -Expiration of Second Notice Period: 8/13/94

29. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)  
 -First Notice Published: 18 Ill Reg 4904 - 3/25/94  
 -Expiration of Second Notice Period: 8/13/94

30. Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)  
 -First Notice Published: 18 Ill Reg 4924 - 3/25/94  
 -Expiration of Second Notice Period: 8/13/94

31. Structural Pest Control Code (77 Ill Adm Code 830)  
 -First Notice Published: 17 Ill Reg 21290 - 12/17/93  
 -Expiration of Second Notice Period: 8/13/94

32. Repeal of Preventive Health and Health Services Block Grant Programs (77 Ill Adm Code 960)  
 -First Notice Published: 18 Ill Reg 2180 - 2/14/94  
 -Expiration of Second Notice Period: 8/13/94

33. Preventive Health and Health Services Block Grants PHHS Rules (77 Ill Adm Code 960)  
 -First Notice Published: 18 Ill Reg 2205 - 2/14/94  
 -Expiration of Second Notice Period: 8/13/94

Rehabilitation Services

34. Non-Academic Programs and Policies (89 Ill Adm Code 830)  
 -First Notice Published: 18 Ill Reg 6267 - 4/29/94  
 -Expiration of Second Notice Period: 8/11/94

Revenue

35. Property Tax/Revenue Act of 1939 (86 Ill Adm Code 110)  
 -First Notice Published: 17 Ill Reg 22485 - 12/31/93  
 -Expiration of Second Notice Period: 7/24/94

36. Real Estate Transfer Tax (86 Ill Adm Code 120)  
 -First Notice Published: 18 Ill Reg 1789 - 2/4/94  
 -Expiration of Second Notice Period: 7/30/94

37. Payment of Taxes by Electronic Funds Transfer (86 Ill Adm Code 750)  
 -First Notice Published: 18 Ill Reg 6112 - 4/22/94  
 -Expiration of Second Notice Period: 7/24/94

Transportation

38. Aviation Safety (92 Ill Adm Code 14)  
 -First Notice Published: 18 Ill Reg 5796 - 4/15/94  
 -Expiration of Second Notice Period: 7/21/94

University of Illinois

39. Certificate of Certified Public Accountant (23 Ill Adm Code 1300)  
 -First Notice Published: 18 Ill Reg 5515 - 4/8/94  
 -Expiration of Second Notice Period: 7/21/94

**III. Certification of No Objection to Proposed Rulemakings****IV. Review of Emergency and Peremptory Rulemakings**Central Management Services

40. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
 -Notice Published: 18 Ill Reg 9562 - 6/25/94

Children and Family Services

41. Audits, Reviews and Investigations (89 Ill Adm Code 434) (Emergency)  
 -Notice Published: 18 Ill Reg 8944 - 6/17/94

Mines and Minerals

42. The Illinois Oil and Gas Act (62 Ill Adm Code 240) (Emergency)  
 -Notice Published: 18 Ill Reg 10380 - 7/1/94

Public Aid

43. Medical Payment (89 Ill Adm Code 140) (Emergency)  
 -Notice Published: 18 Ill Reg 10922 - 7/8/94

Public Health

44. Breast and Cervical Cancer Research Fund Rules (77 Ill Adm Code 970) (Emergency)  
 -Notice Published: 18 Ill Reg 9549 - 6/24/94
45. Illinois Veterans' Homes Code (77 Ill Adm Code 340) (Emergency)  
 -Notice Published: 18 Ill Reg 10391 - 7/1/94

Teachers' Retirement System

46. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650) (Emergency)  
 -Notice Published: 18 Ill Reg 8949 - 6/17/94



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 28, 1994 through July 4, 1994, and have been scheduled for review by the Committee at its July 19, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/11/94	<u>Pollution Control Board, Water Use Design- ation and Site Specific Water Quality Standards (35 Ill Adm Code 303)</u>	10/29/93 17 Ill Reg 18759	7/19/94
8/11/94	<u>Department of Rehabilitation Services, Non-Academic Programs and Policies (89 Ill Adm Code 830)</u>	4/29/94 18 Ill Reg 6267	7/19/94
8/13/94	<u>Department of Labor, Health and Safety (56 Ill Adm Code 350)</u>	2/4/94 18 Ill Reg 1672	7/19/94
8/13/94	<u>Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)</u>	3/25/94 18 Ill Reg 4924	7/19/94
8/13/94	<u>Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)</u>	3/25/94 18 Ill Reg 4904	7/19/94
8/13/94	<u>Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)</u>	3/25/94 18 Ill Reg 4961	7/19/94
8/13/94	<u>Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)</u>	3/25/94 18 Ill Reg 4942	7/19/94
8/13/94	<u>Department of Public Health, Repeal of Preventive Health and Health Services Block Grant Programs (77 Ill Adm Code 960)</u>	2/14/94 18 Ill Reg 2180	7/19/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/13/94	<u>Department of Public Health, Preventive Health and Health Services Block Grants PHHS Rules (77 Ill Adm Code 960)</u>	2/14/94 18 Ill Reg 2205	7/19/94
8/13/94	<u>Department of Public Health, Structural Pest Control Code (77 Ill Adm Code 830)</u>	12/17/93 17 Ill Reg 21290	7/19/94
8/13/94	<u>Department of Professional Regulation, The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465)</u>	5/13/94 18 Ill Reg 7194	7/19/94

94-339  
SPECIAL SESSION - SENATE BILLS 776 AND 1690  
AND HOUSE BILLS 12 AND 1882

Whereas, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for state departments, authorities and public agencies; and

Whereas, the General Assembly has failed to make appropriations for fiscal year 1995 for the expenditure of public funds for those departments, authorities and public agencies; and  
Whereas, the General Assembly has failed to pass legislation to authorize the implementation of Medicaid reform; and

Whereas, the General Assembly has failed to authorize the refunding of outstanding State bonds; and

Whereas, the House of Representatives has adjourned into perfunctory sessions subject to the call of the Speaker;

Therefore, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 88th General Assembly in a special session to commence on July 1, 1994, at 1:00 p.m. in order to consider Senate Bills 776 and 1690, House Bills 12 and 1882 and any other legislation (new or pending) which will address directly the budgets of state departments, authorities and public agencies, Medicaid reform and the authorization to refund outstanding State bonds.

Issued by the Governor June 30, 1994.

Filed with the Secretary of State June 30, 1994.

94-340  
SPECIAL SESSION - HOUSE BILL 2424

Whereas, there is currently pending before the Illinois Supreme court a petition for rehearing in the case of "In re John Doe and Jane Doe," commonly known as the "Baby Richard" case; and

Whereas, there is currently legislation before the General Assembly which could be used by the adoptive parents of "Baby Richard," provided that the case is still pending which this bill becomes law; and

Whereas, the Illinois Senate has adjourned until July 5, 1994; and

Whereas, the House of Representatives has adjourned into perfunctory sessions subject to the call of the Speaker;

Therefore, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 88th General Assembly in a special session to commence on July 1, 1994, at 1:05 p.m. in order to consider House Bill 2424.

Issued by the Governor July 1, 1994.

Filed with the Secretary of State July 1, 1994.

94-329  
ALEKSA DUJOVIC DAY  
(Revised)

Whereas, Aleksa Dujovic served his native Montenegro,

Yugoslavia with courage and honor; and

Whereas, his noble efforts to accomplish peace live on today and have inspired many to protect the liberties of all people; and

Whereas, Aleksa Dujovic fought valiantly with the Allies against fascism and communist oppression during World War II; and

Whereas, through his words and deeds, he encouraged more than 45,000 Chetniks to join him in fighting against the tyranny of totalitarianism; and

Whereas, June 26, 1994, marks the 50th anniversary of the death of this great man;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 26, 1994, as ALEKSA DUJOVIC DAY in Illinois.

Issued by the Governor June 21, 1994.

Filed with the Secretary of State July 5, 1994.

94-341  
PEOTONE'S YEAR OF THE MILL

Whereas, Henry A. Rathje and his father constructed a mill in 1872. The mill was converted to steam in 1886 and continued to operate until World War I; and

Whereas, Paul C. Rathje donated the mill to the Village of Peotone in 1982. The Historical Society of Greater Peotone undertook the restoration of the mill that same year; and

Whereas, the mill was named to the National Register of Historic Places in 1982. Only five windmills still exist in Illinois and none of them are operational today; and

Whereas, in 1992, ownership of the mill was transferred to the Peotone Park District; and

Whereas, more \$140,000 has been raised and spent on the mill's restoration. It is estimated another \$50,000 will be needed to complete the restoration; and

Whereas, once restored to its original operations, the mill will be an important tourist stop and a valuable educational tool;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1994 as PEOTONE'S YEAR OF THE MILL in Illinois.

Issued by the Governor June 23, 1994.

Filed with the Secretary of State July 5, 1994.

94-342  
KID'S HEALTH AND SAFETY DAY

Whereas, Kid's Health and Safety Day on July 10, 1994, is a community-wide event to help parents and children prevent illnesses and injuries; and

Whereas, vision screening, nutritional counseling, blood pressure checks, poison control, and fire safety information will be available at the event, held at Harper College in Palatine, Illinois; and

Whereas, children will also enjoy visits with Bugs Bunny, train rides, miniature golf, merry-go-round rides, games, and snacks; and

Whereas, this free event is sponsored by Rush Prudential Health Plans;



Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 10, 1994, as KID'S HEALTH AND SAFETY DAY in Illinois. Issued by the Governor June 24, 1994. Filed with the Secretary of State July 5, 1994.

94-343

U.S. SPACE OBSERVANCE DAYS/  
SPACE EXPLORATION DAY

Whereas, our concept of the universe and our relation to it have been changed forever because of the first successful space flight and historic moon landings; and

Whereas, our continually advancing space program has provided us with improved world communication, a wealth of medical technology; and nutrition and food research; and

Whereas, the 25th anniversary of the July 20th Apollo 11 flight to the moon is being observed throughout the nation July 16-24 as U.S. Space Observance Days. July 20th also marks the 18th anniversary of the first Viking landing on Mars and will be Observed as Space Exploration Day; and

Whereas, the United States Space Observance seeks to stress the space program's benefits to our citizens, to encourage increased public understanding of the nation's space program, and to commemorate the nation's first historic landing on the moon; and

Whereas, the observance will also honor the Challenger astronauts and their dedication to space so that they will not have fallen in vain;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 16-24, 1994, as U.S. SPACE OBSERVANCE DAYS and July 20, 1994, SPACE EXPLORATION DAY in Illinois in recognition of our continued dedication to achievement in our space program.

Issued by the Governor June 24, 1994.

Filed with the Secretary of State July 5, 1994.

94-344

KOREAN WAR VETERANS DAY

Whereas, on June 25, 1950, the North Korean Army crossed the 38th parallel invading the Republic of Korea; and

Whereas, the United Nations condemned this act of aggression and for the first time in its history created a United Nations Command with the United States of America as its executive agent; and

Whereas, 20 other nations joined in supporting the United Nations Command; and

Whereas, more than 5.7 million American servicemen and women were involved, directly or indirectly, in the war. Nearly 38,000 Americans died defending our freedom and 103,284 were wounded. More than 8,000 are still listed as missing in action and 7,140 were taken prisoners of war. The combined United Nations Command, including the Republic of Korea, lost more than 250,000 military personnel in the war; and

Whereas, active hostilities were suspended by an armistice, effective July 27, 1953; and

Whereas, a Korean War Veterans Memorial is under construction in our nation's capital and will serve as a reminder to future generations that freedom is not free;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 27, 1994, as KOREAN WAR VETERANS DAY in Illinois.

Issued by the Governor June 27, 1994.

Filed with the Secretary of State July 5, 1994.

94-345

VILLAGE OF CHICAGO RIDGE FESTIVAL DAYS

Whereas, the Village of Chicago Ridge was incorporated in October 1914. Charles Polchow was named the first president of the village; and

Whereas, the community members utilized their vision, ingenuity, and drive to develop businesses and industries, schools, churches, a library, and other cultural activities for the enrichment of body, mind, and spirit; and

Whereas, in 1970 the village adopted the motto "The Village of Patriotism; and

Whereas, the village is celebrating its 80th anniversary this year, commemorating the occasion with a festival and other events;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 29-31, 1994, as VILLAGE OF CHICAGO RIDGE FESTIVAL DAYS in Illinois.

Issued by the Governor June 27, 1994.

Filed with the Secretary of State July 5, 1994.

94-346

FOSTER/FOURTE FAMILY REUNION DAY

Whereas, the Foster/Fourte Family Reunion has been in existence for 20 years. The idea of the reunion originated in the early 1970's by Mary Jane Jones of Conway, Arkansas, and Annie Fourte and Ada Mae Credit of Chicago, Illinois; and

Whereas, the original name of the reunion was the Foster Family Reunion but in 1992 the reunion decided to merge and become the Foster/Fourte Family Reunion; and

Whereas, the first reunion was hosted in Ada Park on the South Side of Chicago. The second reunion took to the highways and was hosted by the Arkansas Chapter. It started out as a one-day picnic and has now grown into a three-day event, which consists of as many as four generations, with each reunion growing bigger and better; and

Whereas, between reunions, fund raisers are conducted to lower the cost of the reunion for everyone and to allow those who are less financially able to attend. It is with the help of each family member that it continues to grow and reinforce the bonds of family unity;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 15, 1994, as FOSTER/FOURTE FAMILY REUNION DAY in Illinois.

Issued by the Governor June 28, 1994.

Filed with the Secretary of State July 5, 1994.



94-347  
LEADERSHIP AMERICA AND LEADERSHIP ILLINOIS DAY

Whereas, Leadership America is a national nonprofit leadership development program committed to empowering and advancing women through education, inspiration, and connection with other women of accomplishment; and

Whereas, Leadership America, in its five years of operation, has been recognized as a unique program designed to broaden the horizons of America's outstanding female leaders and to increase their contributions to their communities and the nation; and

Whereas, Leadership America focuses on the need for women leaders to use their creativity, motivation management, and organizational skills and especially their values and their vision to address issues of national and international concern; and

Whereas, Leadership America sessions provide a discussion of public policy issues; exposure to the ideas and philosophies of the nations' most thoughtful and influential leaders; and a broader access for women leaders into the local, state, and national decision making process; and

Whereas, Leadership America, together with Leadership Illinois, will be meeting in Chicago July 10-13, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 10, 1994, as LEADERSHIP AMERICA AND LEADERSHIP ILLINOIS DAY in Illinois.

Issued by the Governor June 28, 1994.

Filed with the Secretary of State July 5, 1994.

94-348  
CAPTIVE NATIONS WEEK

Whereas, we as Americans are fortunate to enjoy the liberty and freedom of which people in captive nations only dream. The rights we often take for granted are fought for every day by those who do not rule themselves; and

Whereas, 1994 marks the 34th anniversary of the observance of Captive Nations Week, which calls attention to the maintenance of a constant vigil on the struggle of the captive people around the globe; and

Whereas, this observance will be continued until freedom and independence have been achieved for all the captive nations of the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17-23, 1994, as CAPTIVE NATIONS WEEK in Illinois, in the hope that all people throughout the world may find their freedom.

Issued by the Governor June 29, 1994.

Filed with the Secretary of State July 5, 1994.

94-349  
GOVERNOR'S CUP WEEKEND

Whereas, the Governor's Cup Criterium and Road Race will be

held in Bloomington and Danvers July 16-17; and  
Whereas, the event is expected to attract more than 500 cyclists from across our nation and will provide exciting entertainment for thousands of spectators; and

Whereas, the majority of racing will be for riders licensed by the United States Cycling Federation, the cycling arm of the U.S. Olympic Committee, but nonlicensed riders will also be given an opportunity to race; and

Whereas, Cycle Sound Service and Vitesse Racing Team of Normal are promoting the event. Race sponsors include Country Companies Insurance, The Pantagraph newspaper, and First Federal Savings and Loan of Bloomington and others; and

Whereas, the event is intended to reflect Illinois' healthful lifestyle by promoting the home-grown goodness of Illinois products and forbidding beer or cigarette sponsors; and

Whereas, the Road Race will take place Saturday, July 16, on a 22-mile course over scenic country roads west of Danvers. The two Governor's Cup Criteriums will be a .5-mile course around Miller Park, Bloomington, on Saturday, July 16, and a .7-mile course in downtown Bloomington on Sunday, July 17;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 26-27, 1994, as GOVERNOR'S CUP WEEKEND in Illinois and encourage Illinoisans to take part in the activities.

Issued by the Governor June 29, 1994.

Filed with the Secretary of State July 5, 1994.

94-350  
ROLAND BURRIS DAY

Whereas, Roland Burris is an Illinois native with deep roots in Centralia, a proud Southern Illinois community; and

Whereas, Roland has served the State of Illinois and its citizens well since 1973 when he was named the Director of the Illinois Department of General Services; and

Whereas, Roland became the first African-American elected to statewide constitutional office when he became State Comptroller in 1978, and was re-elected in 1982 and in 1986; and

Whereas, after serving 3 terms as Comptroller, Roland was elected Attorney General of Illinois in 1990; and

Whereas, Attorney General Burris has been a leader and an inspiration to minorities across the state, establishing the Illinois Commission on African-American Males to address the concerns of the growing number of African-American Males and publishing the Directory of Service Organizations Serving African-American Males in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 29, 1994, ROLAND BURRIS DAY in Illinois and wish him, his wife, Berlean, his children Rolanda Sue and Roland II, the best of luck in the future.

Issued by the Governor June 29, 1994.

Filed with the Secretary of State July 5, 1994.

94-351  
JUDGE LEO F. POCH DAY

Whereas, for the past 59 years Leo F. Poch has devoted his life to public service in the office of the Cook County State's Attorney and as a judge on the Court of Claims of the State of Illinois; and

Whereas, his professional accomplishments and contributions to law, as well as his strong leadership, have earned him recognition and respect among the legal community; and

Whereas, throughout his career, Judge Poch has displayed exemplary service and commitment to Illinois' legal system and has positively influenced all who have had the opportunity to know him; and

Whereas, Judge Poch will retire from his position after 17 years on the Court of Claims;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 30, 1994, as JUDGE LEO F. POCH DAY in Illinois in appreciation of his dedication and commitment to excellence in public service and the legal profession.

Issued by the Governor June 30, 1994.

Filed with the Secretary of State July 5, 1994.

94-352

#### PIKE COUNTY COURTHOUSE/100TH ANNIVERSARY

Whereas, on May 11, 1894, a groundbreaking ceremony was held at the site of the Pike County Courthouse, and the cornerstone was placed on July 12; and

Whereas, during its 100-year history, many individuals have visited the courthouse for special events and holidays; and

Whereas, the people of Pike County have worked to preserve the original architectural design of the building, ensuring that all repairs are exact restorations; and

Whereas, the Pike County Courthouse is revered as an historic and architecturally notable structure in Western Illinois, and it is an important symbol of community and heritage throughout Pike County and the entire state; and

Whereas, July 10, 1994, marks the 100th anniversary celebration of the Pike County Courthouse and the opportunity to celebrate the traditions and history that are a vital part of the lives of the people of Pike County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 10, 1994, as the 100TH ANNIVERSARY OF THE PIKE COUNTY COURTHOUSE.

Issued by the Governor June 30, 1994.

Filed with the Secretary of State July 5, 1994.

94-353

#### SCHOOL'S OPEN SAFETY WEEK

Whereas, school Safety Patrol members in bright orange patrol belts soon will be on duty guiding their fellow students as they cross busy intersections near schools; and

Whereas, the student safety patrols, pioneered by the AAA-Chicago Motor Club in 1920, provide life-saving protection for

thousands of school children statewide, nationally, and internationally; and

Whereas, school Safety Patrol students assist many young children who are walking to and from school for the first time; and

Whereas, motorists must be alert for children at school crossings, review and follow the rules of the road as they apply to school zones, and respect Safety Patrol members performing their duties;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 22-26, 1994, as SCHOOL'S OPEN SAFETY WEEK in Illinois.

Issued by the Governor June 30, 1994.

Filed with the Secretary of State July 5, 1994.

94-354

#### SMOKEY BEAR WEEK

Whereas, Smokey Bear is known as the national symbol of forest fire prevention; and

Whereas, the Smokey Bear forest fire prevention campaign has, since the 1940's, saved billions of dollars in acres lost to wildfires; and

Whereas, Smokey Bear is celebrating his 50th birthday on August 9, 1994; and

Whereas, in honor of his 50th birthday, Smokey Bear is being recognized throughout the nation for his accomplishments; and

Whereas, Smokey Bear is being honored in the Illinois State Fair Twilight Parade; and

Whereas, Illinois' forests and citizens are greatly affected by the Smokey Bear forest fire prevention campaign and share in Smokey Bear's accomplishments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 7-13, 1994, as SMOKEY BEAR WEEK in Illinois.

Issued by the Governor June 30, 1994.

Filed with the Secretary of State July 5, 1994.

94-355

#### SOUTH HOLLAND BUSINESS ASSOCIATION DAY

Whereas, the South Holland Business Association was chartered on September 1, 1979. Since that time, the membership has grown from 15 to 342; and

Whereas, the South Holland Business Association is a viable and visible part of the Village of South Holland and the State of Illinois; and

Whereas, the South Holland Business Association supports and is involved in community projects such as Gouwens Park and Sports Complex, the annual Fourth of July picnic, a summer golf outing, Appreciation Days, and a Route Six Banner Program; and

Whereas, the South Holland Business Association's main objective is to promote and support businesses in the Village of South Holland; and

Whereas, a South Holland Business Association foundation has been established for the purpose of awarding educational

scholarships to deserving students; and  
Whereas, the South Holland Business Association will observe  
their 15th anniversary on September 1 and will celebrate the  
occasion with a dinner on August 26;  
Therefore, I, Jim Edgar, Governor of the State of Illinois,  
proclaim September 1, 1994, as SOUTH HOLLAND BUSINESS ASSOCIATION  
DAY in Illinois.

Issued by the Governor June 30, 1994.  
Filed with the Secretary of State July 5, 1994.

ACTION CODES	
<b>A</b> - Adopted Rule	<b>P</b> - Proposed Rule
<b>AR</b> - Adopted Repealer	<b>PR</b> - Prohibited Filing Order by JCAR*
<b>C</b> - Notice of Corrections	<b>PP</b> - Peremptory or Court Ordered Rules
<b>CC</b> - Codification Changes	<b>PR</b> - Proposed Repealer
<b>E</b> - Emergency Rule	<b>R</b> - Refusal to meet JCAR* Objection
<b>ER</b> - Emergency Repealer	<b>RC</b> - Statement of Recommendation
<b>M</b> - Modification to meet JCAR*	<b>S</b> - Suspension ordered by JCAR*
	<b>W</b> - Withdrawal to meet JCAR*
<b>O</b> - JCAR* Statement Of Objections	
<b>RQ</b> - Request for Correction	
<b>EC</b> - Expedited Corrections	

\*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

#### AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-14225/93;A-609)  
(E-5355) (P-5027)  
89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership  
Demonstration Program (P-3802; A-9895)  
89 Ill. Adm. Code 230 Older Americans Act Program (P-5720)

#### AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 30 Animal Control Act (P-8972)  
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act  
(P-14717/93;A-1825) (P-8981) (P-9027)  
8 Ill. Adm. Code 25 Animal Welfare Act (P-8993)  
8 Ill. Adm. Code 75 Bovine Brucellosis (P-14728/93;A-1833)  
8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program  
(P-14288/93; A-205)  
8 Ill. Adm. Code 20 Definitions (P-14793;A-1844)  
8 Ill. Adm. Code 85 Diseased Animals (P-14747/93;A-1850)  
8 Ill. Adm. Code 116 Equine Infectious Anemia Control  
(P-14761/93;A-1861)  
68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing  
(P-14765/93;A-1865)  
68 Ill. Adm. Code 70 Horsemeat (P-9003)  
8 Ill. Adm. Code 50 Human Slaughter of Livestock (P-9011)  
8 Ill. Adm. Code 35 Humane Care for Animals Act (P-9008)



ILLINOIS REGISTER			July 15, 1994	
Vol. 18, Issue #28	CUMULATIVE INDEX		Vol. 18, Issue #28	CUMULATIVE INDEX
8 Ill. Adm. Code 270	Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164;A-9400)		89 Ill. Adm. Code 380	Background Check of Foster Family Home Applicants (PR-8779)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-14769/93;A-1869)		89 Ill. Adm. Code 385	Background Checks (P-8219)
68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)		89 Ill. Adm. Code 358	Background Inquiry for Purchase of Service Providers (PR-8786)
8 Ill. Adm. Code 125	Meat and Poultry Inspection Act (PP-304)		89 Ill. Adm. Code 305	Client Service Planning (P-6467)
8 Ill. Adm. Code 515	(PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493)		89 Ill. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)
8 Ill. Adm. Code 105	Refrigerated Warehouse Act (P-9033)			Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
8 Ill. Adm. Code 600	Swine Disease Control & Eradication Act (P-14781/93;A-1880)		89 Ill. Adm. Code 428	Department of Children and Family Services
	Weights and Measures Act (E-4426) (A-8519)			Employees Conflict of Interest (P-7539)
<b>ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF</b>			89 Ill. Adm. Code 437	Discipline & Behavior Management in Child Care Facilities (E-8474) (P-8528)
77 Ill. Adm. Code 2090	Subacute Alcoholism and Substance Abuse Treatment Services (P-5029) (C-8731)		89 Ill. Adm. Code 384	Educational Services (P-17593/93; A-8366)
<b>ATTORNEY GENERAL</b>			89 Ill. Adm. Code 314	Licensing Standards for Day Care Homes (P-2683) (P-11964/93;A-5531) (RC-3152)
14 Ill. Adm. Code 200	Franchise Disclosure Act (PP-2522)		89 Ill. Adm. Code 406	Licensing Standards for Foster Family Homes (P-8237; RC-10499) (E-8481)
<b>AUDITOR GENERAL</b>			89 Ill. Adm. Code 408	Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93;A-5540) (RC-3153)
2 Ill. Adm. Code 601	Freedom of Information (A-7739)		89 Ill. Adm. Code 335	Relative Home Placements (P-6681/93;A-7444)
2 Ill. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)		89 Ill. Adm. Code 300	Reports of Child Abuse & Neglect (P-18271/93;A-8377) (P-8240)
<b>BANKS AND TRUST COMPANIES, COMMISSIONER OF</b>				(P-15218/93;A-8601)
38 Ill. Adm. Code 380	Eligible State Bank (P-19347/93;A-4630)		<b>CIVIL SERVICE SYSTEM, STATE UNIVERSITIES</b>	
<b>CARNIVAL-AMUSEMENT SAFETY BOARD</b>			80 Ill. Adm. Code 250	State Universities Civil Service System (P-18453/93;A-1901)
56 Ill. Adm. Code 6000	Carnival and Amusement Park Inspection Law (P-6040)		<b>COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF</b>	
<b>CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF</b>			47 Ill. Adm. Code 160	Emergency Shelter Grants Program (P-15747/93;A-5163)
44 Ill. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)		14 Ill. Adm. Code 520	Enterprise Zone Program (P-9791/93;A-5172)
80 Ill. Adm. Code 302	Merit & Fitness (P-14788/93;A-1892)		14 Ill. Adm. Code 510	Ill. Promotion Act Programs (P-14318/93;A-5813) (P-21905/93;A-8387)
80 Ill. Adm. Code 310	Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146) (PP-9562) (P-10979) (E-11299)		14 Ill. Adm. Code 570	Illinois Small Business Development Program (P-21123/93;A-6112)
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (A-3115) (RC-3151)		56 Ill. Adm. Code 509	Industrial Training Program (P-20063/93;RQ-6022)
<b>CHILDREN AND FAMILY SERVICES, DEPARTMENT OF</b>			14 Ill. Adm. Code 620	Labor-Management Program (P-9667)
89 Ill. Adm. Code 325	Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765)		83 Ill. Adm. Code 772	Pay-Per-Call Services (P-7156)
89 Ill. Adm. Code 434	Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944)		14 Ill. Adm. Code 610	Public Infrastructure Loan & Grants Programs (P-19352/93;A-8398)
			56 Ill. Adm. Code 2600	Service Delivery System & State Responsibilities (P-805; A-9902)
			1 Ill. Adm. Code 300	Small Business Impact Analysis Procedures (CC-9934)

23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College (P-569; A-8906) (EC-3027)

**COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS**

47 Ill. Adm. Code 700 By-laws (P-4530/93; A-5826)

**COMPTROLLER, OFFICE OF THE**

38 Ill. Adm. Code 610 Ill. Funeral or Burial Funds Act (P-7168) (C-8172)

74 Ill. Adm. Code 275 Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664; A-7754) (E-2119)

**CONSERVATION, DEPARTMENT OF**

17 Ill. Adm. Code 130 Camping on Department of Conservation Properties (P-18721/93; A-1126)

17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)

17 Ill. Adm. Code 830 Commercial Fishing and Musseling in Certain Waters of the State (E-4761) (P-5372; A-9985)

17 Ill. Adm. Code 850 Commercial Fishing in Lake Michigan (P-22123/93; A-5834)

17 Ill. Adm. Code 2520 Consignment of Licenses (P-3821; A-9991)

17 Ill. Adm. Code 730 Dove Hunting Season (P-3830; A-10009)

17 Ill. Adm. Code 590 Duck, Goose and Coot Hunting (P-5065; A-10023)

17 Ill. Adm. Code 1590 Falconry & Captive Propagation of Raptors (P-9039)

17 Ill. Adm. Code 910 Field Trials on Department-Owned Managed Sites (P-3846)

2 Ill. Adm. Code 826 Freedom of Information (A-8616)

17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-16273/93; A-1134)

17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-16285/93; A-1142)

17 Ill. Adm. Code 3010 Illinois Snowmobile Grant Program (P-5379; A-10066)

17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853; A-10077)

17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-1; A-5838)

17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868; A-10090)

17 Ill. Adm. Code 810 Sport Fishing Regulations for the Waters of Illinois (P-19785/93; A-3277) (E-5667) (P-6202)

17 Ill. Adm. Code 690 Squirrel Hunting (P-3193; A-8624)

17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season, The (P-3884; A-10104)

17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season, The (P-3895; A-10113)

14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-839; A-8415)

56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855; A-9935)

**COMMERCE COMMISSION, ILLINOIS**

92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630/93; A-1914)

92 Ill. Adm. Code 1205 Fees And Taxes (A-11155)

92 Ill. Adm. Code 1425 Financial Responsibility Of Carriers (A-11162)

83 Ill. Adm. Code 792 Imputation (P-11988/93; A-1919)

83 Ill. Adm. Code 790 Interconnection (P-19354/93; A-6147)

83 Ill. Adm. Code 535 Least-Cost Planning for Natural Utilities (PR-6081)

83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)

83 Ill. Adm. Code 770 Operator Service Providers (P-6099)

83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93; A-676; M-795)

83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918)

83 Ill. Adm. Code 735 (P-6382/93; A-6160)

Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483; A-4146)

(P-6386/93; A- 6164)

92 Ill. Adm. Code 1236 Reinstatement of Revoked Operating Authority (P-8635/93; A-1924)

92 Ill. Adm. Code 1710 Relocation Towing (P-21257/93; A-8609)

83 Ill. Adm. Code 200 Rules and Practices (P-22117/93; A-7748)

83 Ill. Adm. Code 285 Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723) (A-10684)

83 Ill. Adm. Code 425 Uniform Electric Fuel Adjustment (P-4483)

92 Ill. Adm. Code 1375 Uniform System of Accounts (P-8635/93; A-1927)

83 Ill. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937) (P-4490) (A-10692)

83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-946) (A-10701)

**COMMUNITY COLLEGE BOARD, ILLINOIS**

17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156) (E-3751)  
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)  
17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-21927/93;A-5859) (P-7180)  
17 Ill. Adm. Code 680 White-Tailed Deer Hunting Season By Use Of Handguns (P-10998)  
17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-21952/93;A-5878) (P-7183)  
17 Ill. Adm. Code 740 Woodcock, Snipe, Rail, and Teal Hunting (P-3986; A-9998)

**CORRECTIONS, DEPARTMENT OF**

20 Ill. Adm. Code 420 Assignment of Committed Persons (P-19367/93;A-2929)  
20 Ill. Adm. Code 460 Impact Incarceration Program (P-19371/93;A-2933)  
20 Ill. Adm. Code 107 Records of Committed Persons (P-19377/93;A-2939)  
20 Ill. Adm. Code 405 School District (P-19405/93;A-2970)  
20 Ill. Adm. Code 501 Security (P-8396/93;A-6328)

**CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS**

20 Ill. Adm. Code 1570 Fees for Processing Requests for Conviction Information (P-21136/93;A-4679)  
20 Ill. Adm. Code 1810 Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)  
20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-20539/93;A-4852)

**EDUCATION, STATE BOARD OF**

23 Ill. Adm. Code 610 Article 34 School and Subdistrict Councils (P-5449)  
23 Ill. Adm. Code 252 Driver Education (P-8557)  
23 Ill. Adm. Code 180 Health/Life Safety Code For Public Schools (P-9671)  
23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-10061/93;A-1169)  
23 Ill. Adm. Code 401 Nonpublic Special Education Facilities (P-9756) (PR-9733)  
23 Ill. Adm. Code 110 Program Accounting Manual (P-18283/93;A-5178) (P-9776)  
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)  
23 Ill. Adm. Code 525 Regional Oversight Boards & Intermediate Services (P-9781)  
23 Ill. Adm. Code 550 Reorganization Committee (PR-17611/93;AR-5551)  
23 Ill. Adm. Code 226 Special Education (P-13231/93;A-1930) (P-18405/93;A-4685) (P-6482) (P-9810)  
23 Ill. Adm. Code 170 Sprinkler System (P-18419/93;A-4699) (EC-8955) (EC-11386)

23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131/93; A-237)

**ELECTIONS, STATE BOARD OF**

23 Ill. Adm. Code 125 Practice and Procedure (P-6509)

**EMERGENCY MANAGEMENT AGENCY, ILLINOIS**

29 Ill. Adm. Code 1310 Emergency Management Assistance Program (P-13843/93;A-6394)  
29 Ill. Adm. Code 1300 Emergency Services and Disaster Agencies' Establishment, Accreditation, and Workers' Compensation (P-13856/93;A-6386)  
29 Ill. Adm. Code 300 Local Emergency Services and Disaster Agencies' Establishment, Jurisdiction, and Accreditation (PR-13865/93;AR-6384)  
29 Ill. Adm. Code 510 Workers' Compensation Coverage (PR-13875/93;A-6382)

**EMPLOYMENT SECURITY, DEPARTMENT OF**

56 Ill. Adm. Code 2915 Academic Personnel (P-19415/93;A-4154)  
56 Ill. Adm. Code 2865 Claimant's Availability for Work, Ability to Work and Active Search for Work (P-19421/93;A-4160)  
56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals and Hearings (P-9048)  
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-17628/93; A-250)  
56 Ill. Adm. Code 2920 Disqualifying Income and Reduced Benefits (P-19427/93;A-4166)  
56 Ill. Adm. Code 2732 Employment (P-9067)  
56 Ill. Adm. Code 2960 General Provisions (P-9075)  
56 Ill. Adm. Code 2760 Notices, Records, Reports (P-16319/93; A-261) (E-2631) (O-7070) (M-7492) (P-9082)  
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest and Penalties (P-9094)  
56 Ill. Adm. Code 2730 Wages (P-9101)

**ENVIRONMENTAL PROTECTION AGENCY**

35 Ill. Adm. Code 270 Clean Air Act Permit Program Procedures (P-9425)  
35 Ill. Adm. Code 372 Illinois Design Standards for Slow Rate Land Application of Treated Wastewater (P-4524)  
35 Ill. Adm. Code 370 Illinois Recommended Standards for Sewage Works (CC-6375)  
35 Ill. Adm. Code 184 Licensing of Industrial Hygienists (P-4)  
35 Ill. Adm. Code 670 Minimal Hazard Certification (P-18730/93; A-10122)

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

38 Ill. Adm. Code 130 Currency Exchange Rate (P-6929/93;W-6454) (W-7071)



ILLINOIS REGISTER		JULY 15, 1994	
Vol. 18, Issue #28	CUMULATIVE INDEX	Vol. 18, Issue #28	CUMULATIVE INDEX
<b>FIRE MARSHALL, OFFICE OF STATE</b>		<b>JOINT COMMITTEE ON ADMINISTRATIVE RULES</b>	
41 Ill. Adm. Code 140	Policy & Procedures Manual for Fire Protection Personnel (RC-8503)	80 Ill. Adm. Code 2700	State (of Ill.) Employees' Deferred Compensation Plan (P-19755/93;A-7224)
41 Ill. Adm. Code 200	Storage, Transportation, Sale and Use of Liquefied Petroleum (P-22)	1 Ill. Adm. Code 260	Complaint Reviews (P-13233/93;A-4705) (CC-7495)
41 Ill. Adm. Code 170	Storage, Transportation, Sale and Use of Petroleum and other Regulated Substances (P-8267) (P-9106)	1 Ill. Adm. Code 255	Distribution of Database Information (E-5359;P-8792)
<b>HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS</b>		1 Ill. Adm. Code 245	Expedited Corrections (P-13248/93;A-4720) (CC-7496)
77 Ill. Adm. Code 2510	Data Collection (P-18944/93;A-5300) (P-8274)	1 Ill. Adm. Code 250	Five Year Evaluation of All Existing Rules (P-13257/93;A-4728)
77 Ill. Adm. Code 2530	Hospital Price Information (P-19007/93;A-5343)	1 Ill. Adm. Code 210	General Policies (P-13268/93;A-4739) (CC-7497)
<b>HEALTH FACILITIES AUTHORITY, ILLINOIS</b>		1 Ill. Adm. Code 230	Review of Emergency Rulemaking (P-13233/93;A-1233) (CC-7498)
77 Ill. Adm. Code 1400	Sale Of Bonds (A-10712)	1 Ill. Adm. Code 240	Review of Peremptory Rulemaking (P-13294/93;A-4745) (CC-7499)
<b>HIGHER EDUCATION, BOARD OF</b>		1 Ill. Adm. Code 220	Review of Proposed Rulemaking (P-13307/93;A-4758) (CC-7500)
23 Ill. Adm. Code 1020	Health Services Education Grant (P-17639/93;A-4174)	<b>LABOR, DEPARTMENT OF</b>	
<b>HOUSING DEVELOPMENT AUTHORITY, ILLINOIS</b>		56 Ill. Adm. Code 350	Health & Safety (P-1672)
47 Ill. Adm. Code 365	Affordable Housing Bond Program (P-956; A-8633) (E-1596) (C-10505)	<b>LIEUTENANT GOVERNOR, OFFICE OF THE</b>	
47 Ill. Adm. Code 360	Affordable Housing Program (P-1669; A-8663) (E-2124)	47 Ill. Adm. Code 600	Keep Ill. Beautiful Program (C-796)
47 Ill. Adm. Code 260	Homeowner Mortgage Revenue Bond Program (P-8293)	<b>LIQUOR CONTROL COMMISSION, ILLINOIS</b>	
47 Ill. Adm. Code 310	Multifamily Rental Housing Mortgage Loan Program (A-1939)	11 Ill. Adm. Code 100	The Illinois Liquor Control Commission (P-20094/93;A-4811)
<b>HUMAN RIGHTS, DEPARTMENT OF</b>		<b>LOTTERY, DEPARTMENT OF</b>	
2 Ill. Adm. Code 926	Access to Information (P-512)	11 Ill. Adm. Code 1700	Hearings (P-5394) (A-111168)
56 Ill. Adm. Code 2520	Procedural (P-9821)	11 Ill. Adm. Code 1770	Lottery (General) (P-6519)
2 Ill. Adm. Code 925	Rulemaking and Organization (P-525)	<b>LOW-LEVEL RADIOACTIVE WASTE TASK GROUP</b>	
<b>INSURANCE, DEPARTMENT OF</b>		2 Ill. Adm. Code 2950	Information, Rulemaking and Organization (A-5889)(A-8684)
50 Ill. Adm. Code 1250	Corrective Orders (P-3985/93;A-2230)	<b>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF</b>	
50 Ill. Adm. Code 2013	Group Coverage Discontinuance and Replacement (P-8320)	59 Ill. Adm. Code 101	Administration (P-10688/93;A-4179)
50 Ill. Adm. Code 1103	Life Reinsurance Agreement (P-8411/93;A-685)	59 Ill. Adm. Code 122	Certification Under Medicaid Rehabilitation Option for Early Intervention Program (P-3969)
50 Ill. Adm. Code 2012	Long-term Care Insurance (P-11279/93;A-2238)	59 Ill. Adm. Code 121	Early Intervention Program (P-3976)
50 Ill. Adm. Code 2018	Long-Term Care Partnership Insurance (P-3919)	59 Ill. Adm. Code 132	Medicaid Community Health Services Program (P-3902)
50 Ill. Adm. Code 3119	Pre-Licensing and Continuing Education (P-3964)	59 Ill. Adm. Code 120	Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (P-3990)
50 Ill. Adm. Code 855	Prior Notification of Dividends on Common Stock and Other Distributions (P-21264/93;A-6168)	59 Ill. Adm. Code 106	Service Charges (P-7583)
50 Ill. Adm. Code 854	Prior Notification of Transactions (P-21143/93;A-6176)	59 Ill. Adm. Code 258	Screening and Participating Mental Centers (P-8795)
50 Ill. Adm. Code 6201	Requirements (A-2282)	<b>INVESTMENT, ILLINOIS STATE BOARD</b>	
50 Ill. Adm. Code 2017	Uniform Medical Claim and Billing (P-37)		

ILLINOIS REGISTER		ILLINOIS REGISTER	
CUMULATIVE INDEX		CUMULATIVE INDEX	
Vol. 18, Issue #28	July 15, 1994	Vol. 18, Issue #28	July 15, 1994
<b>MINES AND MINERALS, DEPARTMENT OF</b>		<b>MINES AND MINERALS, DEPARTMENT OF</b>	
62 Ill. Adm. Code 240	Illinois Oil and Gas Act (P-22128/93;A-8061) (E-10380)	<b>NATURE PRESERVES COMMISSION</b>	
<b>NATURE PRESERVES COMMISSION</b>		17 Ill. Adm. Code 4000	Management of Nature Preserves (P-12005/93;A-2290)
17 Ill. Adm. Code 4010	Register of Land & Water Reserves (P-578) (A-7253)	<b>NORTHEASTERN ILLINOIS PLANNING COMMISSION</b>	
35 Ill. Adm. Code 399	Fees for Reviewing Applications to Change the Boundaries of a Wastewater Facility Planning Area (P-2552;A-9470)	<b>NUCLEAR SAFETY, DEPARTMENT OF</b>	
32 Ill. Adm. Code 405	Certification of Individuals to Perform Industrial Radiography (P-3326) (A-10721)	32 Ill. Adm. Code 333	Fees for Calibration Services (P-9797/93;A-2615)
32 Ill. Adm. Code 331	Fees for Radioactive Material Licenses (P-3045)	32 Ill. Adm. Code 330	Licensing of Radioactive Material (P-14417/93;A-5553)
32 Ill. Adm. Code 601	Licensing Requirements For Land Disposal Of Radioactive Waste (P-10519)	32 Ill. Adm. Code 332	Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)
32 Ill. Adm. Code 400	Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)	32 Ill. Adm. Code 390	Particle Accelerators (P-8666/93;A-3143)
32 Ill. Adm. Code 350	Radiation Safety Requirements for Industrial Radiographic Operations (P-13882/93;A-7263) (EC-8956) (EC-10943)	32 Ill. Adm. Code 351	Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93;A-3344)
32 Ill. Adm. Code 320	Registration of Radioactive Material, Radiation Machines, and Radiation Installations (P-8693/93;A-3363)	32 Ill. Adm. Code 606	Requirements For The Disposal Of Low-Level Radioactive Waste Away From The Point Of Generation (P-10524)
32 Ill. Adm. Code 505	Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)	32 Ill. Adm. Code 340	Standards For Protection Against Radiation (P-11002)
32 Ill. Adm. Code 341	Transportation of Radioactive Material (P-13933/93;A-4196)	32 Ill. Adm. Code 355	Use of Radionuclides in the Healing Arts (P-20122/93;A-7308)
<b>POLLUTION CONTROL BOARD</b>		<b>NUCLEAR SAFETY, DEPARTMENT OF</b>	
35 Ill. Adm. Code 211	Definitions & General Provisions (P-12491/93;A-1253) (P-7589) (P-8331) (P-9228) (P-10536)	32 Ill. Adm. Code 601	Licensing Requirements For Land Disposal Of Radioactive Waste (P-10519)
35 Ill. Adm. Code 304	Effluent Standards (P-15223/93;A-267;P-2560)	32 Ill. Adm. Code 332	Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)
35 Ill. Adm. Code 620	Groundwater Quality (P-5113)	32 Ill. Adm. Code 400	Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)
35 Ill. Adm. Code 720	Hazardous Waste Management System: General (P-337;A-6720) (P-6553)	32 Ill. Adm. Code 390	Particle Accelerators (P-8666/93;A-3143)
35 Ill. Adm. Code 106	Hearings Pursuant to Specific Rules (P-959;A-4230)	32 Ill. Adm. Code 350	Radiation Safety Requirements for Industrial Radiographic Operations (P-13882/93;A-7263) (EC-8956) (EC-10943)
35 Ill. Adm. Code 721	Identification and Listing of Hazardous Waste (P-357;A-6741) (P-6526)	32 Ill. Adm. Code 351	Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93;A-3344)
35 Ill. Adm. Code 831	Information To Be Submitted In A Compost Facility Permit Application (P-11025)	32 Ill. Adm. Code 606	Requirements For The Disposal Of Low-Level Radioactive Waste Away From The Point Of Generation (P-10524)
35 Ill. Adm. Code 725	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771) (C-5011) (P-6568)	32 Ill. Adm. Code 505	Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)
35 Ill. Adm. Code 728	Land Disposal Restrictions (P-388;A-6799) (C-5013) (P-6535)	32 Ill. Adm. Code 340	Standards For Protection Against Radiation (P-11002)
35 Ill. Adm. Code 203	Major Stationary Sources Construction and Modification (P-18754/93;A-6335)	32 Ill. Adm. Code 341	Transportation of Radioactive Material (P-13933/93;A-4196)
35 Ill. Adm. Code 218	Organic Material Emission Standards & Limitations for the Chicago Area (P-12491/93;A-1945) (P-7602) (P-9242) (P-10549)	32 Ill. Adm. Code 355	Use of Radionuclides in the Healing Arts (P-20122/93;A-7308)
35 Ill. Adm. Code 219	Organic Material Emission Standards & Limitations for the Metro East Area (P-20203/93;A-4242) (P-7618) (P-9272) (P-10584)	<b>POLLUTION CONTROL BOARD</b>	
35 Ill. Adm. Code 105	Permits (16366/93;A-4244)	35 Ill. Adm. Code 211	Definitions & General Provisions (P-12491/93;A-1253) (P-7589) (P-8331) (P-9228) (P-10536)
35 Ill. Adm. Code 201	Permits & General Provisions (P-7636) (P-8347)	35 Ill. Adm. Code 304	Effluent Standards (P-15223/93;A-267;P-2560)
35 Ill. Adm. Code 732	Petroleum Underground Storage Tanks (P-5403)	35 Ill. Adm. Code 620	Groundwater Quality (P-5113)
35 Ill. Adm. Code 611	Primary Drinking Water Standards (P-7642)	35 Ill. Adm. Code 720	Hazardous Waste Management System: General (P-337;A-6720) (P-6553)
35 Ill. Adm. Code 813	Procedural Requirements for Permitted Landfills (RQ-12409/93;EC-7501) (EC-3018)	35 Ill. Adm. Code 106	Hearings Pursuant to Specific Rules (P-959;A-4230)
35 Ill. Adm. Code 832	Procedural Requirements For Permitting Compost Facilities (P-11033)	35 Ill. Adm. Code 721	Identification and Listing of Hazardous Waste (P-357;A-6741) (P-6526)
35 Ill. Adm. Code 702	RCRA and UIC Permit Programs (P-406;A-6918)	35 Ill. Adm. Code 831	Information To Be Submitted In A Compost Facility Permit Application (P-11025)
35 Ill. Adm. Code 703	RCRA Permit Program (P-419;A-6898) (P-6580)	35 Ill. Adm. Code 725	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771) (C-5011) (P-6568)
35 Ill. Adm. Code 817	Requirements for New Steel and Foundry Industry (P-6246)	35 Ill. Adm. Code 728	Land Disposal Restrictions (P-388;A-6799) (C-5013) (P-6535)
35 Ill. Adm. Code 810	Solid Waste Disposal: General Provisions (P-8702/93;A-1268)	35 Ill. Adm. Code 203	Major Stationary Sources Construction and Modification (P-18754/93;A-6335)
35 Ill. Adm. Code 830	Standards For Compost Facilities (P-11040)	35 Ill. Adm. Code 218	Organic Material Emission Standards & Limitations for the Chicago Area (P-12491/93;A-1945) (P-7602) (P-9242) (P-10549)

ILLINOIS REGISTER		JULY 15, 1994	
CUMULATIVE INDEX		CUMULATIVE INDEX	
Vol. 18, Issue #28		Vol. 18, Issue #28	
35 Ill. Adm. Code 814	Standards for Existing Landfills & Units (P-8714/93;A-1284) (E-8488)	89 Ill. Adm. Code 112	Aid to Families with Dependent Children (P-2753;A-4546) (P-19436/93;A-5909) (P-22247/93;A-6994) (P-7208) (P-2587/93;A-8703) (A-10774)
35 Ill. Adm. Code 811	Standards for New Solid Waste Landfills (P-8726/93;A-1308) (C-4434) (EC-7504)	89 Ill. Adm. Code 113	Aid to the Aged, Blind or Disabled (P-13380/93;A-2018) (P-4562) (P-21982/93;A-7759)
35 Ill. Adm. Code 724	Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439;A-6973) (C-5015) (P-6641)	89 Ill. Adm. Code 111	Assistance Standards (P-18764/93;A-2029) (P-22262/93;A-7009)
35 Ill. Adm. Code 726	Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (P-6600)	89 Ill. Adm. Code 160	Child Support Enforcement (P-497) (P-12067/93;A-697)
35 Ill. Adm. Code 739	Standards for the Management of Used Oil (P-455;A-6931) (C-5017)	89 Ill. Adm. Code 170	Demonstration Programs (P-19440/93;A-3372)
35 Ill. Adm. Code 212	Visible & Particulate Matter Emissions (P-967)	89 Ill. Adm. Code 144	Developmental Disabilities Services (P-11079) (E-11314)
35 Ill. Adm. Code 303	Water Use Designations & Site Specific Water Quality Standards (P-8726/93;A-2981)	89 Ill. Adm. Code 149	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (P-15243/93;A-3378)
<b>PROFESSIONAL REGULATION, DEPARTMENT OF</b>		89 Ill. Adm. Code 121	Food Stamps (P-18425/93;A-2033) (P-21991/93;A-8921) (P-2178;A-8921) (E-2509) (P-16405/93;A-3427) (P-4575) (P-6251)
68 Ill. Adm. Code 1175	Barber, Cosmetology, Esthetics, and Nail Technology Act (P-20217/93;A-4856)	89 Ill. Adm. Code 114	General Assistance (P-19443/93;A-3436) (P-4586) (P-22308/93;A-7390)
68 Ill. Adm. Code 1505	Certified Veterinary Technicians (P-5737) (A-11180)	89 Ill. Adm. Code 152	Hospital Reimbursement Changes (P-1677; A-10141) (E-2150)
68 Ill. Adm. Code 1400	Clinical Psychologist Licensing Act (P-2566) (A-11191)	89 Ill. Adm. Code 153	Long Term Care Reimbursement Changes (P-1686; A-10154) (E-2159) (P-11082) (E-11380)
68 Ill. Adm. Code 1470	Clinical Social Work & Social Work Practice Act (P-8435/93;A-2370)	89 Ill. Adm. Code 120	Medical Assistance Programs (P-13392/93;A-2051) (P-4063) (P-221266/93;A-5934)
68 Ill. Adm. Code 1315	Ill. Occupational Therapy Practice Act (P-590;A-7373)	89 Ill. Adm. Code 140	Medical Payment (P-18436/93;A-3620) (P-17736/93;A-3620) (P-15444/93;A-4250)
68 Ill. Adm. Code 1270	Ill. Professional Land Surveyor Act of 1989 (P-14550/93;A-5900) (P-9849)	89 Ill. Adm. Code 104	(P-4077) (P-4597) (W-8730) (P-5778) (P-9296) (P-18768/93;A-5951) (P-10637) (E-10922) (C-10942) (P-11088) (A-11244)
68 Ill. Adm. Code 1465	Ill. Speech-Language Pathology & Audiology Practice Act (P-7194)	89 Ill. Adm. Code 115	Practice In Administrative Hearings (A-11260)
68 Ill. Adm. Code 1150	Illinois Architecture Practice Act Of 1989 (P-11337/93; RC-10500) (A-10736)	89 Ill. Adm. Code 147	Refuges/Entrant/Repatriate Program (P-9346) Reimbursement for Nursing Costs for Geriatric Facilities (P-14803/93;A-2405) (P-18788/93;A-4274)
68 Ill. Adm. Code 1283	Marriage and Family Therapy Licensing Act (P-5477) (A-10752)	89 Ill. Adm. Code 117	Related Program Provisions (P-21158/93;A-3746) (P-22007/93;A-7403)
68 Ill. Adm. Code 1285	Medical Practice Act of 1987 (RQ-21209/93;EC-312)	89 Ill. Adm. Code 102	Rights and Responsibilities (P-15461/93;A-273) (P-2602;A-8938)
68 Ill. Adm. Code 1375	Professional Counselor and Clinical Professional Counselor Licensing Act (P-7986)	<b>PUBLIC HEALTH, DEPARTMENT OF</b>	
68 Ill. Adm. Code 1455	Real Estate Appraiser Certificates (P-16379/93;A-2379) (P-2733;A-8428)	77 Ill. Adm. Code 697	AIDS Confidentiality and Testing Code (P-8848)
68 Ill. Adm. Code 1480	Structural Engineering Licensing Act of 1989 (P-5749)	77 Ill. Adm. Code 692	AIDS Drug Reimbursement Program (P-12590/93;A-1427) (P-11107)
68 Ill. Adm. Code 1380	The Professional Engineering Practice Act Of 1989 (P-10619)	77 Ill. Adm. Code 598	Allied Health Care Professional Assistance Law (P-3077)
68 Ill. Adm. Code 1500	Veterinary Medicine and Surgery Practice Act (P-5758) (A-11212)		



77 Ill. Adm. Code 205 Ambulatory Surgical Treatment Center Licensing Requirements (P-6653)  
77 Ill. Adm. Code 970 Breast & Cervical Cancer Research Fund Rules (P-9354) (E-9549)  
77 Ill. Adm. Code 665 Child Health Examination Code (P-2697/93;A-4296)  
77 Ill. Adm. Code 690 Communicable Disease Control & Immunizations (P-1690; A-10158)  
77 Ill. Adm. Code 693 Control of Sexually Transmissible Diseases Code (P-8850)  
77 Ill. Adm. Code 594 Distribution of Medical Student Scholarship Payback Funds (P-8572)  
77 Ill. Adm. Code 900 Drinking Water Systems Code (P-10640)  
77 Ill. Adm. Code 635 Family Planning (P-19882/93;A-5969)  
77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-46)  
77 Ill. Adm. Code 340 Ill. Veterans' Homes Code (E-10391)  
77 Ill. Adm. Code 790 Illinois Formulary for the Drug Product Selection Program (PR-3202) (P-3205) (ER-3755) (E-3778)  
77 Ill. Adm. Code 245 Illinois Home Health Agency Code (P-747/93;A-2414)  
77 Ill. Adm. Code 596 Illinois Rural Health Code (P-3086)  
77 Ill. Adm. Code 540 Illinois Trauma Center Code (P-12101/93;A-2620)  
77 Ill. Adm. Code 920 Illinois Water Well Construction Code (P-11113)  
77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-12104/93; A-1432) (P-4904)  
77 Ill. Adm. Code 845 Lead Poisoning Prevention (P-8021)  
77 Ill. Adm. Code 610 Local Health Department Development Grant Rules (P-14824/93;A-4310)  
77 Ill. Adm. Code 615 Local Health Protection Grant Rules (P-17798/93; A-4320) (PR-17741/93; AR-4317)  
77 Ill. Adm. Code 390 Long-term Care for Under Age 22 Facilities Code (P-12128/93;A-1453) (P-4924)  
77 Ill. Adm. Code 630 Maternal and Child Health Services Code (P-3069/93;A-4380)  
77 Ill. Adm. Code 600 Minimum Qualifications for Personnel Employed by Local Departments Code (P-14806/93;A-4476) (PR-14831/93;AR-4422)  
77 Ill. Adm. Code 597 Nursing Education Scholarships (P-8590)  
77 Ill. Adm. Code 210 Post-surgical Recovery Care Center Demonstration Program Code (P-22333/93; O-10501)  
77 Ill. Adm. Code 505 Pregnancy Termination Report Code (P-13631/93; A-533)  
77 Ill. Adm. Code 960 Preventive Health & Health Services Block Grant Programs (P-2180) (P-2205)  
77 Ill. Adm. Code 547 Regional Ambulance Services Code (P-95;A-6340)  
77 Ill. Adm. Code 420 Rules and Regulations to Carry Out Provisions of Titles XVII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (PR-103)

77 Ill. Adm. Code 100 Rules of Practice and Procedure in Administrative Hearings (P-12153/93;A-5980)  
77 Ill. Adm. Code 1400 Sale of Bonds (P-4538)  
77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-12188/93;A-1475) (P-4942)  
77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-12205/93;A-1491) (P-4961)  
77 Ill. Adm. Code 270 Subacute Care Hospital Demonstration Program Code (P-9654/93;A-2424)  
77 Ill. Adm. Code 672 WIC Vendor Management Code (P-12228/93;A-2450)

**PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD**  
77 Ill. Adm. Code 1130 Health Facilities Planning Procedural Rules (P-8861) (P-8867)  
77 Ill. Adm. Code 1100 Narrative and Planning Policies (P-12606/93;A-2986) (P-8144/93;A-8448) (P-9357)  
77 Ill. Adm. Code 1110 Processing, Classification Policies and Review Criteria (P-12593/93;A-2993) (P-8149/93;A-8455) (P-9364)

**RACING BOARD, ILLINOIS**  
11 Ill. Adm. Code 206 Board Meetings (P-112;A-7407)  
11 Ill. Adm. Code 208 Charitable Funds (P-115;A-7410)  
11 Ill. Adm. Code 510 Claiming Races (P-15790/93;A-2064) (P-5500)  
11 Ill. Adm. Code 1405 Clerk of the Scales (P-5503)  
11 Ill. Adm. Code 210 Definitions (P-19057/93;A-2072)  
11 Ill. Adm. Code 1304 Definitions (P-19033/93;A-2088)  
11 Ill. Adm. Code 401 Definitions (P-10030/93;A-2087)  
11 Ill. Adm. Code 501 Definitions & Interpretations (P-19040/93;A-2089)  
11 Ill. Adm. Code 1401 Definitions & Interpretations (P-19050/93;A-2090)  
11 Ill. Adm. Code 1413 Entries, Subscriptions and Declarations (P-5505)  
11 Ill. Adm. Code 207 Executive Secretary (P-124;A-7418)  
11 Ill. Adm. Code 1313 General Licensee Rules (P-6680)  
11 Ill. Adm. Code 204 Hearings and Enforcement Proceedings (P-126;A-7419)  
11 Ill. Adm. Code 1411 Jockeys, Apprentice Jockeys, Agency & Valets (P-19892/93;A-2092)  
11 Ill. Adm. Code 502 Licensing (P-5508)  
11 Ill. Adm. Code 509 Medication (P-2832;A-7428) (P-5795) (E-6019) (O-8504) (M-9562)  
11 Ill. Adm. Code 405 Pari-Mutuels (P-2838)  
11 Ill. Adm. Code 308 Pick (N) Pools (P-1773;A-7433)  
11 Ill. Adm. Code 438 Pick N Wagering Pool (PR-2841;AR-7439)  
11 Ill. Adm. Code 1440 Quarter Horse Racing (P-15799/93;A-2098)  
11 Ill. Adm. Code 1415 Starting (P-5512)  
11 Ill. Adm. Code 311 Superfecta (P-1780;A-7440)  
11 Ill. Adm. Code 433 Totalizer Operations (P-1773;A-7443)

ILLINOIS REGISTER		ILLINOIS REGISTER	
CUMULATIVE INDEX		CUMULATIVE INDEX	
Vol. 18, Issue #28	July 15, 1994	Vol. 18, Issue #28	July 15, 1994
<b>REHABILITATION SERVICES, DEPARTMENT OF</b>		<b>STATE POLICE MERIT BOARD, DEPARTMENT</b>	
89 Ill. Adm. Code 515	Advisory Councils (P-2846)	14 Ill. Adm. Code 180	Uniform Commercial Code (P-18793/93; A-2101)
89 Ill. Adm. Code 688	Illinois-Long-Term Care Partnership Demonstration Program (P-4093) (A-11267)	2 Ill. Adm. Code 2050	Public Information, Rulemaking and Organization (A-6019)
89 Ill. Adm. Code 830	Non-Academic Programs and Policies (P-6267)	<b>STUDENT ASSISTANCE COMMISSION, ILLINOIS</b>	
89 Ill. Adm. Code 640	Projects with Industry (P-4097) (A-11271)	23 Ill. Adm. Code 2771	College Savings Bond Bonus Incentive Grant (Big Program (P-1006; A-10246)
89 Ill. Adm. Code 546	Public Use of DORS Facilities (P-1784; A-10241)	23 Ill. Adm. Code 2720	Federal Family Education Loan Program (P-1013; A-10254)
89 Ill. Adm. Code 590	Services (P-3106) (A-11275)	23 Ill. Adm. Code 2772	Fellowship, Traineeship & Scholarship Programs (CC-10279)
<b>REVENUE, DEPARTMENT OF</b>		23 Ill. Adm. Code 2700	General Provisions (P-1037; A-10282)
86 Ill. Adm. Code 430	Bingo License and Tax Act (P-4101)	23 Ill. Adm. Code 2731	Grant Programs for Dependents of Correctional Officers (P-1054; A-10299)
86 Ill. Adm. Code 435	Charitable Games Act (P-4109)	23 Ill. Adm. Code 2730	Illinois National Guard Program (P-1058; A-10303)
86 Ill. Adm. Code 100	Income Tax (P-15471/93; A-1510)	23 Ill. Adm. Code 2733	Illinois Veteran Grant (IVG) Program (P-1064; A-10309)
86 Ill. Adm. Code 500	Motor Fuel Tax (CC-4451)	23 Ill. Adm. Code 2761	Merit Recognition Scholarship (MRS) Program (P-1073; A-10318)
86 Ill. Adm. Code 750	Payment of Taxes by Electronic Funds Transfer (P-6112)	23 Ill. Adm. Code 2763	Minority Teachers of Ill. (MTI) Scholarship Program (P-1080; A-10325)
86 Ill. Adm. Code 432	Pull Tabs and Jar Games Act (P-4117)	23 Ill. Adm. Code 2762	Paul Douglas Teacher Scholarship Program (P-1089; A-10333)
86 Ill. Adm. Code 120	Real Estate Transfer Tax (P-1789)	23 Ill. Adm. Code 2732	Police Officer/Fire Officer Survivor Grant Program (P-1098; A-10342)
86 Ill. Adm. Code 130	Retailers' Occupation Tax (P-982)	23 Ill. Adm. Code 2760	State Scholar Program (P-1803; A-10346)
86 Ill. Adm. Code 140	(P-15501/93; A-1537) (P-6684)	23 Ill. Adm. Code 2770	Student to Student (STS) Program of Matching Grants (P-1102; A-10354)
86 Ill. Adm. Code 160	Service Occupation Tax (P-15515/93; A-1550)	<b>TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS</b>	
86 Ill. Adm. Code 700	Service Use Tax (P-15522/93; A-1557)	80 Ill. Adm. Code 1650	The Administration and Operation of the Teachers' Retirement System (P-22487/93; A-6349) (E-8949)
86 Ill. Adm. Code 150	Uniform Penalty & Interest Act (P-16421/93; A-1561) (P-9394)	<b>TRANSPORTATION, DEPARTMENT OF</b>	
	Use Tax (P-15527/93; A-1584)	92 Ill. Adm. Code 14	Aviation Safety (P-5796)
<b>SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF</b>		92 Ill. Adm. Code 177	Carriage by Public Highway (P-21305/93; A-7852)
38 Ill. Adm. Code 1075	Savings Bank Act (E-7016) (P-9858)	92 Ill. Adm. Code 700	Construction in Floodways of Rivers, Lakes & Streams (P-607; A-8167) (E-790)
<b>SECRETARY OF STATE</b>		92 Ill. Adm. Code 180	Continuing Qualification & Maintenance of Packaging (P-21310; A-7857)
14 Ill. Adm. Code 150	Business Corporation Act (P-1793; A-7783)	92 Ill. Adm. Code 397	Driving & Parking (P-13686/93; A-736)
92 Ill. Adm. Code 1040	Ill. Library System Act (P-19072/93; A-7452)	92 Ill. Adm. Code 392	Driving of Motor Vehicles (P-13690/93; A-740) (P-2909; A-10359)
92 Ill. Adm. Code 1060	Cancellation, Revocation or Suspension of Licenses or Permits (P-1797; A-7447) (P-2608; RC-10502) (P-2853) (A-10853)	92 Ill. Adm. Code 600	Employee Commute Options (P-12613/93; A-540)
	Commercial Driver Training Schools (A-10909)	92 Ill. Adm. Code 708	Floodway Construction in Northeastern Ill. (P-1811) (A-11284)
23 Ill. Adm. Code 3030	Ill. Library System Act (P-19072/93; A-7452)		
92 Ill. Adm. Code 1070	Ill. Safety Responsibility Law (P-2217) (C-3016) (A-10909)		
23 Ill. Adm. Code 3070	Illinois State Library Training Program Grants (P-19460/93; A-4981)		
92 Ill. Adm. Code 1030	Issuance of Licenses (P-993; A-7478) (P-15803/93; A-1591)		
23 Ill. Adm. Code 3040	Literacy Grant Program (P-18441/93; A-4990)		
92 Ill. Adm. Code 1001	Procedures and Standards (P-7731) (E-7916)		
23 Ill. Adm. Code 3060	Public Library Construction Grants (P-18687/93; A-4996)		
1 Ill. Adm. Code 100	Rulemaking (P-7087)		

92 Ill. Adm. Code 171	General Information, Regulations and Definitions (P-21314/93;A-7861)
92 Ill. Adm. Code 172	Hazardous Materials Table and Hazardous Materials (P-21326/93;A-7874)
92 Ill. Adm. Code 395	Hours of Service of Drivers (P-13693/93;A-743)
92 Ill. Adm. Code 396	Inspection, Repair & Maintenance (P-13699/93;A-749)
92 Ill. Adm. Code 444	Minimum Safety Standards for Construction of School Buses used in Special Education Transportation (P-6318)
92 Ill. Adm. Code 440	Minimum Safety Standards for Construction of Type I School Buses (P-6272)
92 Ill. Adm. Code 442	Minimum Safety Standards for Construction of Type II School Buses (P-6304)
92 Ill. Adm. Code 390	Motor Carrier Safety Regs. (P-13986/93;A-754) (P-2912; A-10362)
92 Ill. Adm. Code 457	Motorcyclists' Eye Protection (P-11150)
92 Ill. Adm. Code 456	Nonscheduled Bus Inspections (P-4126)
92 Ill. Adm. Code 393	Parts & Accessories Necessary for Safe Operation (P-13730/93;A-774)
44 Ill. Adm. Code 650	Prequalification of Contractors & Issuance of Plans & Proposals (P-3208;A-9478)
92 Ill. Adm. Code 107	Procedures (P-21333/93;A-7881)
92 Ill. Adm. Code 386	Procedures & Enforcement (P-13734/93;A-778)
92 Ill. Adm. Code 391	Qualification of Drivers (P-13739/93;A-783)
92 Ill. Adm. Code 518	Relocation Assistance and Payments Program (P-12628/93;A-283)
92 Ill. Adm. Code 173	Shippers General Requirements for Shipments and Packaging (P-21345/93;A-7895)
92 Ill. Adm. Code 178	Specifications for Packaging (P-21351/93;A-7901)
92 Ill. Adm. Code 179	Specifications for Tank Cars (P-21362/93;A-7912)
92 Ill. Adm. Code 533	Use and Enjoyment of Rest Areas (P-18447/93;A-2625)
92 Ill. Adm. Code 450	Vehicle Inspection Section Hearings (P-7733)
<b>UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF</b>	
23 Ill. Adm. Code 1300	Certificate of Certified Accountants (P-5515)
89 Ill. Adm. Code 1200	Program Content & Guidelines for Division of Specialized Care for Children (P-7780/93;A-2104)

**NOTICE OF PUBLIC HEARINGS**

**CARNIVAL-AMUSEMENT SAFETY BOARD**

56 Ill. Adm. Code 6000; Carnival and Amusement Ride Inspection Law 6187

**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

89 Ill. Adm. Code 406; Licensing Standards for Day Care Homes 5363

89 Ill. Adm. Code 408; Licensing Standards for Group Day Care Homes 5364
<b>EDUCATION, STATE BOARD OF</b>
23 Ill. Adm. Code 401; Nonpublic Special Education Facilities 10507
<b>PROFESSIONAL REGULATION, DEPARTMENT OF</b>
68 Ill. Adm. Code 1375; Professional Counselor and Clinical Professional Licensing Act 8200
<b>PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD</b>
77 Ill. Adm. Code 1130; Health Facilities Planning Procedural Rules 10948
77 Ill. Adm. Code 1100; Narrative & Planning Policies 10950
77 Ill. Adm. Code 1110; Processing, Classification Policies And Review Criteria 10952
77 Ill. Adm. Code 830; Structural Pest Control Code 2174

**PUBLIC INFORMATION**

**AGRICULTURE, DEPARTMENT OF**

Animal Diagnostic Laboratory Act 2527

**ATTORNEY GENERAL**

Proposed Consent Decree pursuant to the Comprehensive Environment Response, Compensation & Liability Act & the Ill. Environmental Protection Act; Amoco Chemical/Joliet Landfill 3035

**BANKS AND TRUST COMPANIES, COMMISSIONER OF**

Notice Of Acceptance Of An Application For The Bank Of Tokyo, Ltd., Tokyo, Japan To Acquire The Chicago-Tokyo Bank, Chicago, Ill. 10954

Notice of Acceptance of an Application; AMBANC Corp., Vincennes, Indiana to Acquire Lincolnland Bancshares, Inc., Casey, Ill. 7511

Notice of Acceptance of an Application; BankAmerica Corporation, San Francisco, California to Acquire Continental Bank Corporation, Chicago, Illinois 9656

Notice of Public Meeting of the Illinois Fiduciary Advisory Committee 556

Notice of Public Meeting-State Banking Board of Ill. and the Board of Trustees of the Ill. Bank Examiner's Education Foundation 2528

Notice of Public Meetings of the State Banking Board of Illinois and the Board of Trustees of the Illinois Bank Examiners' Education Foundation on June 28, 1994 9657

**ENVIRONMENTAL PROTECTION AGENCY**



**EXECUTIVE ORDERS AND PROCLAMATIONS**

**EXECUTIVE ORDERS**

94-1	The Illinois Task Force on School-To-Work Transition	1659
94-2	Executive Order Creating The Illinois Commission on Regulatory Review	1661
94-3	Flood Transfer III	2669
94-4	Danville Sewage Treatment Facility	7074
94-5	Revocation of Executive Order Number 7(1985)	10510

**PROCLAMATIONS**

93-553	Financial Literacy for Youth Month	336
93-554	Religious Freedom Day	559
93-555	Franchising Week	559
93-556	Self-Esteem Month	560
94-1	Black Data Processing Associates Day	802
94-2	Sertoma National Heritage Freedom Week	802
94-3	Alcoholism Halfway House Days	803
94-4	Bangladesh Day	803
94-5	Catholic Schools Week	804
94-6	Land Surveyors' Month	804
94-7	Dr. Martin Luther King Jr. Day/Day of Tribute	804
94-8	African-American Unity March Day	2546
94-9	Human Services Week	2546
94-10	Ivan And Ruth Frick Day	2547
94-11	Week of the High Risk Child	2547
94-12	African-American History Month	2548
94-13	Free Enterprise Week	2548
94-14	International Festival Week	2548
94-15	Martina Navratilova Days	2549
94-16	Save A Life Day	2550
94-17	Student Financial Aid Awareness Month	2550
94-18	Self-Esteem Week	2674
94-19	Long-Term Care Administrators Week	2674
94-20	Nursing Home Week	2674
94-21	Kiwanis Week	2675
94-22	AFS Host Family Recognition Week	2675
94-23	Little City Foundation/Chicago Luvabulls Super Bowl Party Day	2676
94-24	National People's Action Take Back Our Streets and Communications Day	2676
94-25	Toughlove Programs Against Violence Month/Day Against Violence	2677
94-26	FFA Week	2677
94-27	Child Passenger Safety Month	2678
94-28	Dr. Carter G. Woodson Day	2679
94-29	Four Chaplains Sunday	2679
94-30	Lithuanian Independence Day	2680
94-31	Seed Month	2680

Listing of Derived Water Quality Criteria	318
Listing of Derived Water Quality Criteria	8734
Notice Of Proposed Settlement-People V. Burlington Northern Railroad Company et al.	10955

<b>INSURANCE, DEPARTMENT OF</b>	
Long-Term Care Partnership Insurance	4464

<b>POLLUTION CONTROL BOARD</b>	
Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) 415 ILCS 5/7.2(b)	3154

<b>PUBLIC AID, DEPARTMENT OF</b>	
Proposed change in Reimbursements to Hospitals under the Medicaid Program	5020

<b>REVENUE, DEPARTMENT OF</b>	
Index Of Letter Rulings (1993 - 3rd Quarter) (ROT)	7512
Index Of Letter Rulings (1993 - 4th Quarter) (Income Tax)	7512
Index Of Letter Rulings (1993 - 4th Quarter) (ROT)	7552
Index Of Letter Rulings (1994 - 1st Quarter) (Income Tax)	7953
Index Of Letter Rulings (1994 - 1st Quarter) (ROT)	10956
Private Letter Rulings, Illinois Department of Labor Sunshine Act 20 ILCS 2515/1, et seq.	7028
The Uniform Penalty & Interest Act	11388

**REGULATORY FLEXIBILITY ANALYSIS**

**COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**

Notice of Regulatory Flexibility Impact Analysis	
2533, 2534, 3037, 3793, 3794, 4466, 6452, 6453, 7068, 7069, 8957, 8958, 8959, 10508	

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**AGENDA**

Meeting of January 11, 1994	326
Meeting of February 15, 1994	2535
Meeting of March 22, 1994	
Meeting of April 19, 1994	6023
Meeting of May 17, 1994	7544
Meeting of June 14, 1994	8742
Agenda for Meeting of July 19, 1994	11389

**SECOND NOTICES RECEIVED**

334, 557, 801, 1658, 2175, 2543, 2668, 3038, 3156, 3795, 4474, 5022, 5365, 5711, 6029, 6188, 6455, 7072, 7552, 7961, 8202, 8505, 8752, 8960, 9658, 10509, 10971, 11396	
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ILLINOIS REGISTER			ILLINOIS REGISTER		
CUMULATIVE INDEX			CUMULATIVE INDEX		
Vol. 18, Issue #28		July 15, 1994	Vol. 18, Issue #28		July 15, 1994

94-32	Post Anesthesia Nurses Awareness Week	2681	94-79	Tree City USA Month	5025
94-33	Dick Helton Day	2681	94-80	Agriculture Day	5026
94-34	Engineers Week	3040	94-81	Tibetan Day	5367
94-35	Future Business Leaders of America-Phi Lambda Week	3040	94-82	Violence Prevention Month	5367
94-36	GFWC Waukegan Woman's Club Day	3040	94-83	Bicycle Helmet and Safety Awareness Week	5368
94-37	Manufacturing Week	3041	94-84	Free Paper Week	5368
94-38	Marketing Week	3042	94-85	VA West Side Medical Center Women's History Month	5368
94-39	Multiple Sclerosis Awareness Month	3042	94-86	Camp Fire Boys and Girls Day	5369
94-40	Nutrition Month	3042	94-87	Chicago Latino Film Festival Days	5369
94-41	Reading Is Fun Week	3043	94-88	Student Council Week	5370
94-42	Tornado Preparedness Week	3043	94-89	U.S. Savings Bond Campaign Month	5370
94-43	Representative Bob Olson Day	3044	94-90	High Blood Pressure and Stroke Awareness Month	5712
94-44	Doctor's Day	3157	94-91	Irish American Heritage Month	5712
94-45	African American Contractors Day	3157	94-92	Youth Temperance Education Week	5713
94-46	American Red Cross Month	3157	94-93	Arbor Day in Palos Heights	5713
94-47	Chicago Academy for The Arts-5th Annual Dessert Classic Day	3158	94-94	Federal Employee of the Year Day	5714
94-48	Chronic Fatigue Syndrome Awareness Month	3158	94-95	Henrietta Sisk Day	5714
94-49	National American Business Club Month	3159	94-96	Lake and Watershed Management Month	5715
94-50	School Breakfast Week	3160	94-97	Medical Laboratory Week	5716
94-51	School Social Work Week	3160	94-98	Motorcycle Awareness Month	5716
94-52	Denim Day	3161	94-99	Nurses: The Heart of the Health Care Team Day	5716
94-53	Dental Assistants Recognition Week	3162	94-100	Public Health Month	5717
94-54	Employ The Older Worker Week	3162	94-101	Rural Electric and Telephone Youth Day	5718
94-55	Breastfeeding Promotion Month	3797	94-102	Student-Athlete Day	5718
94-56	Herman M. Finch Day	3797	94-103	Call Before You Dig Month	6031
94-57	Music Education Day At The Capitol	3798	94-104	Continuity Of Care Week	6031
94-58	Cartamedas Day	3798	94-105	D.A.R.E. Day	6032
94-59	DuPage Symphony Orchestra Day	3799	94-106	Illinois Community College Month	6032
94-60	Eye Donor Awareness Month	3800	94-107	Sexual Assault Awareness Month	6033
94-61	Southern Illinois University Quasiquincentennial Day	3800	94-108	STD Awareness Month	6033
94-62	Apprenticeship Week	4475	94-109	Women's Federation For World Peace Days	6034
94-63	Building Safety Week	4475	94-110	American Association for Affirmative Action Days	6034
94-64	Greek Independence Day	4476	94-111	Illinois State Quartet Convention Week	6035
94-65	Malcolm X College Career Expo Day	4476	94-112	Probation Officer Day	6035
94-66	Professional Social Workers Month	4477	94-113	Professional Secretaries Week/Professional Secretaries Day	6036
94-67	Casimir Pulaski Day	4477	94-114	Saving Month	6036
94-68	Alcohol Awareness Month/Illinois State Youth Forum Day	5024	94-115	Soccer In The Street Day	6036
94-69	Certified Nurse Assistant Day	4478	94-116	Telecommunicator Week	6037
94-70	Curtis Mayfield Day	4478	94-117	Infant Immunization Week	6037
94-71	Licensed Practical Nurse Week	4479	94-118	Natural Resources Stewardship Month	6038
94-72	Long-Term Care Nurses Week	4480	94-119	Holocaust Commemoration Month	6190
94-73	Volunteer Week	4480	94-119	Holocaust Commemoration Month (Revised)	6199
94-74	Youth Art Month	4481	94-120	Illinois Cancer Pain Awareness Week	6190
94-75	Parents Inservice Conference Days	4481	94-121	Emergency Medical Services Week	6190
94-76	Bob Leininger Day	4482	94-122	Home Safety Week	6191
94-77	Chicago Opportunity Days	5024	94-123	Manufactured Housing Month	6191
94-78	Mental Retardation And SPARC Awareness Month	5025	94-124	Month of the Young Child	6192
			94-125	Organ And Tissue Donor Awareness Week	6193
			94-126	Queen Isabella Day	6193

Vol. 18, Issue #28	ILLINOIS REGISTER CUMULATIVE INDEX	July 15, 1994
94-127 Week of the Young Child		6194
94-128 Harry Caray Day		6194
94-129 Logistics Week		6195
94-130 AIDS Awareness Day/AIDS Walk Springfield Day		6195
94-131 American POW Recognition Day		6196
94-132 James S. Kemper, Jr. Day		6196
94-133 Jewish Cultural Week		6197
94-134 Pakistan Day		6197
94-135 Purple Bows For Cancer's 2nd Introduction Day		6198
94-136 Chicago Youth Symphony Orchestra Day		6198
94-137 Crime Victims Rights Week		6199
94-138 Israel Independence Day		6200
94-139 Louis B. Kuhn Day		6200
94-140 Tuftonia's Week		6201
94-141 Disaster Area-Douglas County		6457
94-142 Disaster Area-Calhoun, Green and Jersey Counties		6457
94-143 Disaster Exists Within State of Illinois		6458
94-144 Disaster Area-Alexander, Cass, Menard, Sangamon, Dewitt and Vermillion Counties		6458
94-145 Anthony M. Tortoriello Day		6459
94-146 Dave and Linda Kindernay Day		6459
94-147 Design/Drafting Week		6460
94-148 Harold Washington Day		6461
94-149 Illinois Eye Fund/UIC Eye Center Day		6461
94-150 Medical Assistants Week		6462
94-151 Year of the Conger Expedition		6462
94-152 Youth Service Day		6463
94-153 Chicago Coin Club Day		6463
94-154 Child Abuse Prevention Services Day		6464
94-155 Keep America Beautiful Month		6464
94-156 Seth Ira Stearns Day		6465
94-157 Girl Scout Leaders Day		6465
94-158 Disaster Areas-Champaign and Iroquois Counties		7075
94-159 Christian Heritage Week		7075
94-160 Darryl Hartley-Leonard and Hyatt Hotels Corporation Day		7076
94-161 Scientific Literacy Week		7076
94-162 E.M. (Buck) Chastain Day		7077
94-163 Groundwater Protection Month		7078
94-164 Monsignor Edward J. Duncan Day		7078
94-165 Smiles for Little City Days		7079
94-166 George Hovanec Appreciation Day		7079
94-167 Kim Deakins, Janelle King and Mary Murphy Day		7080
94-168 Suicide Prevention Week/Survivors of Suicide Day		7080
94-169 Day of Prayer		7081
94-170 James M. Bailey Day		7081
94-171 Chicago Commons Month		7082
94-172 Charleston Area Senior Center Day		7083
94-173 Community Banking Week		7083
94-174 Correctional Officer Week		7084

Vol. 18, Issue #28	ILLINOIS REGISTER CUMULATIVE INDEX	July 15, 1994
94-175 Dyslexia/Learning Disabilities Month		7084
94-176 Home Education Week		7085
94-177 Mattoon Area Senior Center Day		7085
94-178 Zion Missionary Baptist Day		7086
94-179 Disaster Areas - Madison, Madon, Monroe, Piatt and St. Clair Counties		7963
94-180 Better Hearing and Speech Month		7963
94-181 Bike Month		7964
94-182 Cytotechnology Day		7964
94-183 Drinking Water Week		7965
94-184 George Tamminda Day		7965
94-185 Holy Name of Mary Parish Women's Day		7966
94-186 Law Day		7966
94-187 Mathematics Awareness Week		7967
94-188 Metropolitan Pier and Exposition Authority Employee Longevity Day		7967
94-189 Mother of the Year Day		7968
94-190 Nurses Week		7968
94-191 Older Americans Month		7969
94-192 Public Service Recognition Day		7970
94-193 Children's Emotional and Behavioral Disorders Awareness Week		7971
94-194 Illinois Small Business Week		7971
94-195 Hadassah Days		7972
94-196 Family Service DuPage Day		7972
94-197 Life Insurance Week		7973
94-198 South Holland Centennial Day/South Holland Centennial Week/South Holland Centennial Month		7973
94-199 Asian Pacific American Heritage Month		7974
94-200 Dr. Joseph C. Dalpiaz Day		7974
94-201 Foster Parent Appreciation Month		7975
94-202 Polish Constitution Day		7975
94-203 Women in Trades Career Day		7976
94-204 Illinois State Chamber of Commerce/75th Anniversary Year		7977
94-205 Loyalty Day		7978
94-206 Music Week		7978
94-207 RP Awareness Day		7979
94-208 Chicago Crime Commission Day		7979
94-209 Eugene E. Langer Day		7980
94-210 National Association of Women Business Owners Public Affairs Day		7980
94-211 Physical Fitness and Sports Month/Physical Education and Sports Week		7981
94-212 Project Aces Day		7982
94-213 Cambodian Culture Days		7982
94-214 Gene Siskel Day		7983
94-215 Kantorei Week		7983
94-216 React Month		7984



ILLINOIS REGISTER  
CUMULATIVE INDEX  
Vol. 18, Issue #28 July 15, 1994

94-217 Womens Lawyers' Day	7985
94-218 Arts Week	8204
94-219 Rotary Club of Oak Park Day	8204
94-220 SCORE DAY	8205
94-221 A.J. Boggio Day	8205
94-222 D.A.R.E. Family Night with the Cardinals	8206
94-223 Howard A. Peters III Day	8207
94-224 Mother's Day	8208
94-225 Palos Heights Public Library Day	8208
94-226 Planet Illinois Day	8209
94-227 Gateway Foundation Day	8210
94-228 Legacy Foundation Day	8210
94-229 National Association of Insurance Women's Week	8211
94-230 Surgical Technologists Week	8211
94-231 World Cup Education Month/World Cup Daus	8212
94-232 Child Support Awareness Month	8213
94-233 Electrical Safety Month	8213
94-234 Highland Community College Collegiate Choir Day	
94-235 Telephone Operators Week at Illinois Masonic Medical Center	
94-236 Alan F. Quoos Day	8214
94-237 CPA Day	8214
94-238 Maritime Day	8215
94-239 Railroad Women's Day	8215
94-240 Tourism Day	8216
94-241 Transportation Day	8216
94-242 Buckle-Up America Month	8217
94-243 Dr. William Hill Day	8218
94-244 Stamp Collecting Week	8218
94-245 Tourism Day	8507
94-246 Black Child Development Week	8507
94-247 ENCARE Day	8507
94-248 Public Humanities Day	8508
94-249 School Counselor Week	8508
94-250 Greek American Heritage Week	8509
94-251 Jeff Childs Day	8510
94-252 John Stoffel Day	8510
94-253 Ray Passis Day	8511
94-254 Raymond J. Norbut Day	8511
94-255 Ron Koepl Day	8512
94-256 Cornelia de Lange Awareness Day	8512
94-257 CRS Day	8513
94-258 Eugene C. Swager Day	8513
94-259 Soccer Celebration Day	8514
94-260 Illinois River Appreciation Month	8515
94-261 Moving Vietnam Memorial Wall Days	8516
94-262 Sweet Success Day	8516
94-263 Dr. Harold D. McAnich Day	8517
94-264 Operation Halyard Day	8517
94-265 Alfred Eisenstaedt Day	8754

ILLINOIS REGISTER  
CUMULATIVE INDEX  
Vol. 18, Issue #28 July 15, 1994

94-266 Chicago Academy for the Arts/Phil Donahue and Marlo Thomas Day	8754
94-267 Illinois Agricultural Youth Institute Days	8755
94-268 Safe Boating Week	8756
94-269 Safety Week	8756
94-270 Garden Week	8757
94-271 Italian-American War Veterans' Day	8757
94-272 James-Burt Family Reunion Days	8758
94-273 Mary Jean Cummings Day	8758
94-274 Robert Lweandowski Day	8759
94-275 D-Day Veterans' Day	8759
94-276 Day of the African Child	8760
94-277 GI Bill Day	8760
94-278 Jewish-American Sports Hall of Fame Day	8761
94-279 Peter Joseph Serdar Day	8762
94-280 American GI Forum Day	8763
94-281 Philippine Week 1994	8763
94-282 Try American Day	8764
94-283 Bengali Week	8962
94-283 Bengali Day (Revised)	9660
94-284 Fraternal Week	8962
94-285 Jewish Fold Arts Festival Day	8963
94-286 Otis Wilson Celebrity Golf Classic Day	8963
94-287 Dr. William Attea Day	8964
94-288 Springfield Area Arts Council Month	8964
94-289 Amateur Radio Week	8965
94-290 Men's Health Week	8965
94-291 Reflex Sympathetic Dystrophy Syndrome Week	8966
94-292 Westside Health Partnership Unity Days	8966
94-293 Woman's Club of Springfield Day	8967
94-294 Amnesty International Days	8967
94-295 Bruckner Guest House Day	8968
94-296 Celebrate 20 Years of WIC Month	8969
94-297 Challenge of Champions Day	8969
94-298 Marine Corps League and Auxiliary Week	8970
94-299 Ross Gardiner Day	8971
94-300 Naperville Heritage Society Day	9660
94-301 Robert M. Healy Day	9661
94-302 Serbian-American Day	9661
94-303 Father'd Day	9662
94-304 William R. Deutsch Day	9662
94-305 World Cup Day at Arlington International Racecourse	
94-306 Baha'I Centenary Day	9663
94-307 Chaires Blanchard Congratulated Day	9664
94-308 Fred Garcia Day	9665
94-309 Torch Relay Day of the U.S. Olympic Festival-'94	9665
94-310 World Cup Days	10510
94-311 American Jewish Committee Human Rights Medallion Day	10511













Title 32, cont.			Title 33, cont.		
335-9050	am	(P-2012293-A-7208)	350-3010	am	(P-1382933-A-7263)
335-9060	am	(P-2012293-A-7208)	350-3020	am	(P-1382933-A-7263)
335-9070	am	(P-2012293-A-7208)	350-3030	am	(P-1382933-A-7263)
335-9080	am	(P-2012293-A-7208)	350-3040	am	(P-1382933-A-7263)
335-9090	am	(P-2012293-A-7208)	350-1045	am	(P-1382933-A-7263)
335-9100	am	(P-2012293-A-7208)	350-1048	am	(P-1382933-A-7263)
335-9110	am	(P-2012293-A-7208)	350-3050	am	(P-1382933-A-7263)
335-9120	am	(P-2012293-A-7208)	350-3060	am	(P-1382933-A-7263)
335-9130	am	(P-2012293-A-7208)	350-3070	f	(P-1382933-A-7263)
335-9140	am	(P-2012293-A-7208)	350-3080	f	(P-1382933-A-7263)
335-9150	am	(P-2012293-A-7208)	350-3090	f	(P-1382933-A-7263)
335-9160	am	(P-2012293-A-7208)	350-4000	am	(P-1382933-A-7263)
335-9170	am	(P-2012293-A-7208)	350-4010	n	(P-1382933-A-7263)
335-9180	am	(P-2012293-A-7208)	350-4020	n	(P-1382933-A-7263)
340-3060	am	(P-1002)	350-4030	am	(P-1382933-A-7263)
340-3070	am	(P-1002)	350-4040	am	(P-1382933-A-7263)
340-3080	am	(P-1002)	350-4050	am	(P-1382933-A-7263)
340-3090	am	(P-1002)	350-4060	am	(P-1382933-A-7263)
340-3100	am	(P-1002)	350-4070	am	(P-1382933-A-7263)
340-3110	am	(P-1002)	351-1010	am	(P-867493-A-3344)
340-3120	am	(P-1002)	351-1020	am	(P-867493-A-3344)
340-3130	am	(P-1002)	351-1030	am	(P-867493-A-3344)
340-3140	am	(P-1002)	351-1040	am	(P-867493-A-3344)
341-10	am	(P-1393393-A-4196)	351-1050	am	(P-867493-A-3344)
341-15	n	(P-1393393-A-4196)	351-1060	am	(P-867493-A-3344)
341-20	am	(P-1393393-A-4196)	351-1070	am	(P-867493-A-3344)
341-25	am	(P-1393393-A-4196)	351-1080	am	(P-867493-A-3344)
341-30	am	(P-1393393-A-4196)	351-1090	am	(P-867493-A-3344)
341-35	am	(P-1393393-A-4196)	351-1100	am	(P-867493-A-3344)
341-40	am	(P-1393393-A-4196)	351-2010	am	(P-867493-A-3344)
341-45	am	(P-1393393-A-4196)	351-2020	am	(P-867493-A-3344)
341-50	am	(P-1393393-A-4196)	351-2030	am	(P-867493-A-3344)
341-55	am	(P-1393393-A-4196)	351-3030	am	(P-867493-A-3344)
341-60	am	(P-1393393-A-4196)	351-3040	am	(P-867493-A-3344)
341-65	am	(P-1393393-A-4196)	351-4010	am	(P-867493-A-3344)
341-70	am	(P-1393393-A-4196)	351-4020	am	(P-867493-A-3344)
341-75	am	(P-1393393-A-4196)	351-4030	am	(P-867493-A-3344)
341-80	am	(P-1393393-A-4196)	351-5010	am	(P-867493-A-3344)
341-85	am	(P-1393393-A-4196)	351-5010	am	(P-867493-A-3344)
341-90	am	(P-1393393-A-4196)	360-10	am	(P-3396)
341-95	am	(P-1393393-A-4196)	360-20	am	(P-3396)
341-100	am	(P-1393393-A-4196)	360-30	am	(P-3396)
341-105	am	(P-1393393-A-4196)	360-40	am	(P-3396)
341-110	am	(P-1393393-A-4196)	360-50	am	(P-3396)
341-115	am	(P-1393393-A-4196)	360-60	am	(P-3396)
341-120	am	(P-1393393-A-4196)	360-70	am	(P-3396)
341-125	am	(P-1393393-A-4196)	360-80	am	(P-3396)
341-130	am	(P-1393393-A-4196)	360-90	am	(P-3396)
341-135	am	(P-1393393-A-4196)	360-100	am	(P-3396)
341-140	am	(P-1393393-A-4196)	360-110	am	(P-3396)
341-145	am	(P-1393393-A-4196)	360-120	am	(P-3396)
341-150	am	(P-1393393-A-4196)	360-130	am	(P-3396)
341-155	am	(P-1393393-A-4196)	360	am	(P-3396)
341-160	am	(P-1393393-A-4196)	360	am	(P-3396)
341-165	am	(P-1393393-A-4196)	360	am	(P-3396)
341-170	am	(P-1393393-A-4196)	360	am	(P-3396)
341-175	am	(P-1393393-A-4196)	360	am	(P-3396)
341-180	am	(P-1393393-A-4196)	360	am	(P-3396)
341-185	am	(P-1393393-A-4196)	360	am	(P-3396)
341-190	am	(P-1393393-A-4196)	360	am	(P-3396)
341-195	am	(P-1393393-A-4196)	360	am	(P-3396)
341-200	am	(P-1393393-A-4196)	360	am	(P-3396)
341-205	am	(P-1393393-A-4196)	360	am	(P-3396)
341-210	am	(P-1393393-A-4196)	360	am	(P-3396)
341-215	am	(P-1393393-A-4196)	360	am	(P-3396)
341-220	am	(P-1393393-A-4196)	360	am	(P-3396)
341-225	am	(P-1393393-A-4196)	360	am	(P-3396)
341-230	am	(P-1393393-A-4196)	360	am	(P-3396)
341-235	am	(P-1393393-A-4196)	360	am	(P-3396)
341-240	am	(P-1393393-A-4196)	360	am	(P-3396)
341-245	am	(P-1393393-A-4196)	360	am	(P-3396)
341-250	am	(P-1393393-A-4196)	360	am	(P-3396)
341-255	am	(P-1393393-A-4196)	360	am	(P-3396)
341-260	am	(P-1393393-A-4196)	360	am	(P-3396)
341-265	am	(P-1393393-A-4196)	360	am	(P-3396)
341-270	am	(P-1393393-A-4196)	360	am	(P-3396)
341-275	am	(P-1393393-A-4196)	360	am	(P-3396)
341-280	am	(P-1393393-A-4196)	360	am	(P-3396)
341-285	am	(P-1393393-A-4196)	360	am	(P-3396)
341-290	am	(P-1393393-A-4196)	360	am	(P-3396)
341-295	am	(P-1393393-A-4196)	360	am	(P-3396)
341-300	am	(P-1393393-A-4196)	360	am	(P-3396)
341-305	am	(P-1393393-A-4196)	360	am	(P-3396)
341-310	am	(P-1393393-A-4196)	360	am	(P-3396)
341-315	am	(P-1393393-A-4196)	360	am	(P-3396)
341-320	am	(P-1393393-A-4196)	360	am	(P-3396)
341-325	am	(P-1393393-A-4196)	360	am	(P-3396)
341-330	am	(P-1393393-A-4196)	360	am	(P-3396)
341-335	am	(P-1393393-A-4196)	360	am	(P-3396)
341-340	am	(P-1393393-A-4196)	360	am	(P-3396)
341-345	am	(P-1393393-A-4196)	360	am	(P-3396)
341-350	am	(P-1393393-A-4196)	360	am	(P-3396)
341-355	am	(P-1393393-A-4196)	360	am	(P-3396)
341-360	am	(P-1393393-A-4196)	360	am	(P-3396)
341-365	am	(P-1393393-A-4196)	360	am	(P-3396)
341-370	am	(P-1393393-A-4196)	360	am	(P-3396)
341-375	am	(P-1393393-A-4196)	360	am	(P-3396)
341-380	am	(P-1393393-A-4196)	360	am	(P-3396)
341-385	am	(P-1393393-A-4196)	360	am	(P-3396)
341-390	am	(P-1393393-A-4196)	360	am	(P-3396)
341-395	am	(P-1393393-A-4196)	360	am	(P-3396)
341-400	am	(P-1393393-A-4196)	360	am	(P-3396)
341-405	am	(P-1393393-A-4196)	360	am	(P-3396)
341-410	am	(P-1393393-A-4196)	360	am	(P-3396)
341-415	am	(P-1393393-A-4196)	360	am	(P-3396)
341-420	am	(P-1393393-A-4196)	360	am	(P-3396)
341-425	am	(P-1393393-A-4196)	360	am	(P-3396)
341-430	am	(P-1393393-A-4196)	360	am	(P-3396)
341-435	am	(P-1393393-A-4196)	360	am	(P-3396)
341-440	am	(P-1393393-A-4196)	360	am	(P-3396)
341-445	am	(P-1393393-A-4196)	360	am	(P-3396)
341-450	am	(P-1393393-A-4196)	360	am	(P-3396)
341-455	am	(P-1393393-A-4196)	360	am	(P-3396)
341-460	am	(P-1393393-A-4196)	360	am	(P-3396)
341-465	am	(P-1393393-A-4196)	360	am	(P-3396)
341-470	am	(P-1393393-A-4196)	360	am	(P-3396)
341-475	am	(P-1393393-A-4196)	360	am	(P-3396)
341-480	am	(P-1393393-A-4196)	360	am	(P-3396)
341-485	am	(P-1393393-A-4196)	360	am	(P-3396)
341-490	am	(P-1393393-A-4196)	360	am	(P-3396)
341-495	am	(P-1393393-A-4196)	360	am	(P-3396)
341-500	am	(P-1393393-A-4196)	360	am	(P-3396)
341-505	am	(P-1393393-A-4196)	360	am	(P-3396)
341-510	am	(P-1393393-A-4196)	360	am	(P-3396)
341-515	am	(P-1393393-A-4196)	360	am	(P-3396)
341-520	am	(P-1393393-A-4196)	360	am	(P-3396)
341-525	am	(P-1393393-A-4196)	360	am	(P-3396)
341-530	am	(P-1393393-A-4196)	360	am	(P-3396)
341-535	am	(P-1393393-A-4196)	360	am	(P-3396)
341-540	am	(P-1393393-A-4196)	360	am	(P-3396)
341-545	am	(P-1393393-A-4196)	360	am	(P-3396)
341-550	am	(P-1393393-A-4196)	360	am	(P-3396)
341-555	am	(P-1393393-A-4196)	360	am	(P-3396)
341-560	am	(P-1393393-A-4196)	360	am	(P-3396)
341-565	am	(P-1393393-A-4196)	360	am	(P-3396)
341-570	am	(P-1393393-A-4196)	360	am	(P-3396)
341-575	am	(P-1393393-A-4196)	360	am	(P-3396)
341-580	am	(P-1393393-A-4196)	360	am	(P-3396)
341-585	am	(P-1393393-A-4196)	360	am	(P-3396)
341-590	am	(P-1393393-A-4196)	360	am	(P-3396)
341-595	am	(P-1393393-A-4196)	360	am	(P-3396)
341-600	am	(P-1393393-A-4196)	360	am	(P-3396)
341-605	am	(P-1393393-A-4196)	360	am	(P-3396)
341-610	am	(P-1393393-A-4196)	360	am	(P-3396)
341-615	am	(P-1393393-A-4196)	360	am	(P-3396)
341-620	am	(P-1393393-A-4196)	360	am	(P-3396)
341-625	am	(P-1393393-A-4196)	360	am	(P-3396)
341-630	am	(P-1393393-A-4196)	360	am	(P-3396)
341-635	am	(P-1393393-A-4196)	360	am	(P-3396)
341-640	am	(P-1393393-A-4196)	360	am	(P-3396)
341-645	am	(P-1393393-A-4196)	360	am	(P-3396)
341-650	am	(P-1393393-A-4196)	360	am	(P-3396)
341-655	am	(P-1393393-A-4196)	360	am	(P-3396)
341-660	am	(P-1393393-A-4196)	360	am	(P-3396)
341-665	am	(P-1393393-A-4196)	360	am	(P-3396)
341-670	am	(P-1393393-A-4196)	360	am	(P-3396)
341-675	am	(P-1393393-A-4196)	360	am	(P-3396)
341-680	am	(P-1393393-A-4196)	360	am	(P-3396)
341-685	am	(P-1393393-A-4196)	360	am	(P-3396)
341-690	am	(P-1393393-A-4196)	360	am	(P-3396)
341-695	am	(P-1393393-A-4196)	360	am	(P-3396)
341-700	am	(P-1393393-A-4196)	360	am	(P-3396)
341-705	am	(P-1393393-A-4196)	360	am	(P-3396)
341-710	am	(P-1393393-A-4196)	360	am	(P-3396)
341-715	am	(P-1393393-A-4196)	360	am	(P-3396)
341-720	am	(P-1393393-A-4196)	360	am	(P-3396)
341-725	am	(P-1393393-A-4196)	360	am	(P-3396)
341-730	am	(P-1393393-A-4196)	360	am	(P-3396)
341-735	am	(P-1393393-A-4196)	360	am	(P-3396)
341-740	am	(P-1393393-A-4196)	360	am	(P-3396)
341-745	am	(P-1393393-A-4196)	360	am	(P-3396)
341-750	am	(P-1393393-A-4196)	360	am	(P-3396)
341-755	am	(P-1393393-A-4196)	360	am	(P-3396)
341-760	am	(P-1393393-A-4196)	360	am	(P-3396)
341-765	am	(P-1393393-A-4196)	360	am	(P-3396)
341-770	am	(P-1393393-A-4196)	360	am	(P-3396)
341-775	am	(P-1393393-A-4196)	360	am	(P-3396)

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Volume 18, Issue #28

ILLINOIS REGISTER

SECTIONS AFFECTED INDEX

July 15, 1994

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Volume 18, Issue #28			ILLINOIS REGISTER			SECTIONS AFFECTED INDEX			July 15, 1994		
(Title 68, cont.)											
1400.20	am	(P-2566,A-11191)	100.7	am	(P-12153/93,A-5980)	340.1000	n	(E-0391)			
1400.22	am	(P-2566,A-11191)	100.8	am	(P-12153/93,A-5980)	340.1010	n	(E-0391)			
1400.30	am	(P-2566,A-11191)	100.9	am	(P-12153/93,A-5980)	340.1110	n	(E-0391)			
1400.40	am	(P-2566,A-11191)	100.10	am	(P-12153/93,A-5980)	340.1120	n	(E-0391)			
1400.50	am	(P-2566,A-11191)	100.11	am	(P-12153/93,A-5980)	340.1130	n	(E-0391)			
1400.60	am	(P-2566,A-11191)	100.12	am	(P-12153/93,A-5980)	340.1140	n	(E-0391)			
1400.80	am	(P-2566,A-11191)	100.13	am	(P-12153/93,A-5980)	340.1150	n	(E-0391)			
1400.90	am	(P-2566,A-11191)	100.14	am	(P-12153/93,A-5980)	340.1160	n	(E-0391)			
1455.15	am	(P-16379/93,A-2379)	100.15	am	(P-12153/93,A-5980)	340.1170	n	(E-0391)			
1455.30	am	(P-16379/93,A-2379)	100.16	am	(P-12153/93,A-5980)	340.1190	n	(E-0391)			
1455.40	am	(P-2733,A-6428)	100.17	am	(P-12153/93,A-5980)	340.1200	n	(E-0391)			
1455.50	am	(E-3006)	100.18	am	(P-12153/93,A-5980)	340.1210	n	(E-0391)			
1455.200	am	(P-16379/93,A-2379)	100.19	am	(P-12153/93,A-5980)	340.1220	n	(E-0391)			
		(P-2733,A-6428)	205.115	am	(P-6653)	340.1230	n	(E-0391)			
1455.205	n	(E-3006)	205.118	am	(P-6653)	340.1240	n	(E-0391)			
		(P-16379/A-2379)	205.120	am	(P-6653)	340.1250	n	(E-0391)			
1455.210	am	(P-16379/93,A-2379)	205.125	am	(P-6653)	340.1260	n	(E-0391)			
1455.300	am	(P-16379/93,A-2379)	205.130	am	(P-6653)	340.1300	n	(E-0391)			
1455.400	am	(P-16379/93,A-2379)	205.140	am	(P-6653)	340.1310	n	(E-0391)			
1455.500	f	(P-7194)	205.620	am	(P-6653)	340.1320	n	(E-0391)			
1465.20	am	(P-7194)	205.1400	am	(P-6653)	340.1330	n	(E-0391)			
1465.30	am	(P-7194)	205.1410	am	(P-6653)	340.1340	n	(E-0391)			
1465.35	n	(P-7194)	205.1740	am	(P-6653)	340.1350	n	(E-0391)			
1465.38	am	(P-7194)	205.1750	am	(P-6653)	340.1360	n	(E-0391)			
1465.40	am	(P-7194)	205.1760	am	(P-6653)	340.1370	n	(E-0391)			
1465.60	am	(P-7194)	205.1780	am	(P-6653)	340.1400	n	(E-0391)			
1465.70	n	(P-7194)	205.1790	am	(P-6653)	340.1410	n	(E-0391)			
1465.90	am	(P-8435/93,A-2370)	210.1800	n	(P-22333/93,O-10501)	340.1420	n	(E-0391)			
1470.5	f	(P-8435/93,A-2370)	210.2900	n	(P-22333/93,O-10501)	340.1430	n	(E-0391)			
1470.7	am	(P-8435/93,A-2370)	245.40	am	(P-747/93,A-2414)	340.1440	n	(E-0391)			
1470.20	am	(P-8435/93,A-2370)	250.110	am	(P-46)	340.1450	n	(E-0391)			
1470.80	am	(P-8435/93,A-2370)	250.120	am	(P-46)	340.1460	n	(E-0391)			
1470.90	am	(P-8435/93,A-2370)	250.315	am	(P-46)	340.1470	n	(E-0391)			











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